

# BY-LAWS

of the

TOWN OF NORWOOD



July 2011

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**BY-LAWS**  
**of the**  
**TOWN OF NORWOOD**

**ARTICLE I.**  
**Act to Establish Representative Town Meeting**

**Section 1.** For the purpose of the act entitled "An Act to Establish Representative Town Government by Limited Town Meetings" the Town of Norwood shall be divided into nine districts.  
(Amended at Special Town Meeting, September 29, 1958, Article 2)

**Section 2.** 1 1/2 per cent of the total registered voters of the town in addition to the members at large shall constitute a representative town meeting in the Town of Norwood.

**Section 3.** Every town meeting shall be notified by posting attested copies of the warrant calling the same, in not less than ten public places in the town, seven days, at least, before the day appointed for said meeting.

**Section 4.** Notice of every adjourned town meeting shall be posted by the Town Clerk in not less than ten public places in the Town and shall, if time permits, be advertised in a newspaper published in Norwood, if any, as soon as practicable after the adjournment, stating briefly the business to come before adjourned meeting.

**ARTICLE II.**  
**Committees**

**Section 1.** It shall be the duty of the Town Clerk to immediately notify in writing all members of committees that may be elected or appointed at any Town Meeting, stating the name of the committee and the business upon which they are to act, or duties which they are to perform.

**Section 2.** It shall be the duty of the member designated as chairman or first named of any other committee chosen by the Town to promptly call the members thereof together for organization.

**Section 3.** It shall be the duty of all committees appointed prior to the annual Town Meeting to make report at said meeting, unless otherwise directed, upon the matters referred to them.

**ARTICLE III.**  
**Financial Affairs**

**Section 1.** It shall be the duty of the Board of Selectmen to take charge of the bonds of the Town Treasurer and Collector of Taxes and deposit them in a safe place.

**Section 2.** No bill, charge or account against the Town shall be paid without the approval, in writing, first obtained of the person, persons, board or committee contracting the same.

**Section 3.** No town officer having the control of the expenditure of the public money shall incur any debt or obligation on account of the Town in any department beyond the amount appropriated therefor by the Town, except as provided in Section 5. No order or warrant shall be drawn by the Board of Selectmen or other boards upon the Treasurer without an appropriation by vote of the Town, nor against any appropriation in excess of the same, except that such payments may be made as are required to protect the Town where it may be liable in actions at law for damages and as provided in Section 5.

**Section 4.** Any portion of any appropriation remaining unexpended at the close of the financial year shall revert to the Town Treasury, unless otherwise provided by law.

**Section 5.** During the interval between the thirty-first day of January in each year and the time of making the necessary annual appropriation, the various Town officers, in order to meet the liabilities of their several departments incurred in carrying on the business of the Town, shall have authority to make expenditures and payments from the Town Treasury from any available funds therein, and the same shall be charged against the next annual appropriations; but no such expenditures shall be made or any such liability incurred for any purpose beyond the absolute needs of the Town.

**Section 6. (a)** The Town Treasurer and Collector of Taxes in his capacity of Collector of Taxes shall collect, under the title of Town Collector, all accounts due the town.

(b) All accounts due the town when this section takes effect and all accounts coming due thereafter shall forthwith be committed by the several boards and officers of the Town to the Town Collector, together with all available information in relation thereto.

(c) If it shall seem advisable to the Town Collector that suit should be instituted on behalf of the town for the establishment or collection of any amount due the Town, he shall so notify the Selectmen and he shall report to them semi-annually and at such other times as they may direct upon all uncollected accounts in his hands. The Selectmen shall take such action with respect to all such accounts as they deem expedient and consistent with the interests of the Town.

**Section 7.** All accounts of the Town shall be kept in accordance with the system established by the Director of Accounts in the Department of Corporations and Taxation, and said accounts shall be audited annually under the supervision of said director pursuant to the provisions of Section 35 of Chapter 44 of the General Laws.

(Deleted Section 8 entirely)

(Amended Special Town Meeting, January 22, 2001, Article 6)

#### **ARTICLE IV. Board of Appeals**

(Repealed August 13, 1964 by vote under Article 13). See Zoning By-Laws.

#### **ARTICLE V. Legal Affairs**

**Section 1.** The Board of Selectmen shall annually appoint an attorney-at-law to act as Town Counsel, who shall be paid such salary as the Town votes, and said Board shall have full authority to employ special or additional counsel whenever, in its judgment, necessity therefore arises.

**Section 2.** The Board of Selectmen shall have full authority as agents of the Town to institute, prosecute and compromise suits in the name of the Town, and to appear, defend and compromise suits brought against it, and to appear in proceedings before any tribunal, unless it is otherwise specially voted by the Town.

**Section 3.** The Town Counsel shall draft all bonds, leases, obligations, conveyances and other legal instruments, advise on all questions relating to the warrants for Town Meetings, and do every professional act relating to Town affairs which may be required of him, by vote of the Town or any board of Town Officers. Also, when required by said boards or any committee of the Town, he shall furnish a written opinion on any legal question that may be submitted in writing to him, and he shall at all times furnish legal advice to any officer of the Town who may require his opinion upon any subject concerning the duties incumbent upon such officer by virtue of his office. He shall, when required by the Town or any board of Town Officers, prosecute any suits ordered to be brought by the Town, and shall appear at any court in the Commonwealth in defense of any actions or suits brought against the Town or its officers, in their official capacity. He shall also, whenever his services may be required, try and argue any and all cases, whether in law or in equity, to which the Town shall be a party before any tribunal in the Commonwealth, or before any board of referees or commissioners, and appear at any and all hearing in behalf of the Town.

**Section 4.** Whenever it shall be necessary to execute any deed conveying land, or any other instrument required to carry into effect any vote of the Town, the same shall be executed by the Treasurer in behalf of the Town, unless the Town shall otherwise vote in any special case.



**Section 5.** The Town Clerk shall have the custody of the Town seal and shall keep a true copy (in a book to be kept for such purpose alone) of all deeds or conveyances executed in behalf of the Town by any Town officer. It shall be the duty of the Town Clerk to see that every conveyance to the Town of any interest in real estate is properly recorded in the Registry of Deeds.

#### **ARTICLE VI.**

##### **Police**

(Deleted Special Town Meeting February 26, 1981, Article 16.)

#### **ARTICLE VII.**

##### **Records and Reports**

**Section 1.** All boards, standing committees and officers of the Town shall cause records of their doings and accounts to be kept in suitable books. Said books shall be kept in their respective places in the Town offices and shall not be removed therefrom. Said record books shall be open to the inspection of citizens of the Town at any reasonable time, but shall remain during such inspection under the supervision of the Board, committee or officer designated to keep charge thereof.

**Section 2.** All boards, standing committees, special committees or officers of the Town having charge of the expenditure of money shall annually report thereon in writing in such manner as to give the citizens a fair and full understanding of the objects and methods of such expenditures, referring, however, to the report of the Town Treasurer or Auditors for specific details, and shall make therein such recommendations as they deem proper.

**Section 3.** All reports shall be placed in the hands of the Board of Selectmen for printing and publishing as soon as possible, not later than the fifteenth day of February of each year.

**Section 4.** The Board of Selectmen shall annually cause to be distributed, not less than three days before the annual meeting, among the taxpayers of the town, the reports of the officers of the various departments and boards of the Town and reports upon such other matters as directed by the Town and these by-laws. They shall have the custody and supervision of the distribution of the same.

**Section 5.** The Board of Selectmen shall, in addition to the requirements of Section 2, report in detail their estimates of the amounts of money which will be required for the current financial year.

**Section 6.** The Town Clerk shall furnish for publication in the annual Town Report an abstract of the official records of all Town meetings held during the preceding year. He shall also furnish for the same purpose an abstract of the vital statistics of the preceding year.

**Section 7.** Whenever a Town way is laid out or altered, a plan thereof shall be made and filed in the Town Clerk's office, with the location thereof, and it shall be the duty of the Town Clerk to keep a book of records for the sole purpose of recording the location of all highways and Town ways within the Town, with an index thereto.

**Section 8.** Each decennial valuation of estates made by the Assessors, or an abstract thereof, together with a list of poll-taxpayers, shall be printed in the annual Town Report for the next year after same shall be made.

**Section 9.** In his annual Town Report, the Town Treasurer shall state specifically the objects for which the debt of the Town was increased, if any, during the preceding year, and recite the votes under which the money was borrowed, and shall render a classified statement of all expenditures and receipts of the Town in such details as to give a fair and full exhibit of the objects and methods of all expenditures.

**Section 10.** On or before November first of each year, each board committee or officer of the Town authorized by law to expend money shall file with the Town Clerk and Accountant, who shall transmit the same to the Finance Commission, a signed detailed estimate of the appropriation or appropriations recommended by such board, committee or officer for the work under its or his charge for the ensuing year.

(Special Town Meeting, October 13, 1955, Article 4.)

**ARTICLE VIII.**  
**Regulations Governing the Acceptance of**  
**New Streets through Private Property**

**Section 1.** No street or way shall be accepted by the town of a width of less than fifty feet unless the same shall have been actually opened and used for public travel prior to January 1, 1956 or unless a subdivision plan showing such street or way has received final approval of the Board of Survey or Planning Board prior to the effective date of this by-law.

**Section 2.** No street or way constructed through lands by the owners thereof shall be laid out or accepted or recommended by the Selectmen or any committee of the Town for acceptance as a public street or way of the Town of Norwood unless previously constructed and completed to subgrade in accordance with the specifications set forth in Section 6.

**Section 3.** Any street or way constructed through private lands by the owners thereof in accordance with the specifications set forth in Section 6 may be laid out and accepted as a public street of the Town of Norwood provided such action is taken in accordance with the provisions of Chapter 50 of the Revised Laws of Massachusetts and amendments thereof; and provided also that the owners of at least 75% of the lands through which such street or way passes have signed releases of all property which the town deems it necessary to acquire for such layout and acceptance and have granted sloping privileges and have agreed to pay betterments assessable.

**Section 4.** Wherever it is necessary, in the opinion of the Selectmen to construct catch basins on any such street or way and lay drains to connect with a permanent outlet, such catch basins and drains may be constructed and laid and the cost of such work shall be considered as a part of the total cost of constructing said street or way.

**Section 5.** Side gutters on any such street or way having a grade of 5 percent or over may, if in the opinion of the Selectmen it be necessary be paved four feet wide, with stone or concrete; the cost of such work shall be considered as a part of the total cost of constructing said street or way.

**Section 6.** (a) A plan and profile of every such street or way shall be filed in the office of the Selectmen, who shall approve or establish the grade thereof.

(b) Every such street or way shall be at least fifty feet wide and have a roadbed equal to at least two-thirds of the width of said street or way, except that any such street or way may, if its use is limited to one way traffic, be constructed with a roadbed of a width of not less than eighteen feet if the Selectmen so determine.

(Special Town Meeting, May 3, 1957, Article 7.)

(c) All loam shall be removed from the limits of the street or way to a depth of at least twelve inches below the finished grade for the roadway and six inches below the finished grade for the sidewalk, or such greater depth as may be required by the Selectmen. All rock or boulders shall be removed from the Street or way shall be used in embankment.

(d) The entire area of every such street or way shall be first cleared of all stumps, brush, roots and like material and of all trees not intended for preservation.

(e) All work in excavation or embankment shall be brought accurately to a subgrade of not less than eight inches for the roadway and four inches for the sidewalk, below finished grade, or such greater depth as the nature of the subsoil, in the opinion of the Selectmen may require.

(f) All corners of intersecting street or way shall be rounded as approved by the Selectmen.

(g) The Selectmen shall have the authority to waive the requirements of removing the soil from that part of a way as laid out on either side of the traveled way as wrought, if in their opinion such removal of soil is not necessary for the proper use of such traveled way, provided however, that all rocks, boulders and other objectionable hazards are removed, and the full width of the taking is graded to approximately the grade of the adjacent traveled way.

**ARTICLE IX.**  
**Junk Dealers and Collectors Licenses**  
**and Regulations**

**Section 1.** Per Massachusetts General Laws Chapter 140, Section 54, The Board of Selectmen may license suitable persons to be collectors of, dealers in, or keepers of shops for the purchase, sale, or barter of junk, old metals, or secondhand articles. The Selectmen may make rules and regulations relative to their business, and may provide for the supervision thereof. Said licensing board may make additional rules, regulations, and restrictions which shall be expressed in all licenses.

**Section 2.** Every such shopkeeper licensed under Section 1 shall keep a bound book, in which shall be written, in the English language, at the time of every transaction of any such article, a description thereof, and the name, age, and residence of the person from whom, and the day and the hour when, such article was acquired; and the Chief of Police or his designee, may at any time, enter upon any premises used by a licensed dealer to ascertain how he conducts his business, and examine any or all articles taken in trade or kept or stored in or upon said premises and all books and inventories relating thereto, and all such articles, books, and inventories shall be exhibited to any such person upon demand.

**Section 3.** Every person licensed under Section 1 shall post his license in some suitable and conspicuous place upon the licensed premises.

**Section 4.** No such shopkeeper holding a license from the Board of Selectmen as a dealer in secondhand articles shall permit any article purchased or received by him to be sold or altered in any way until at least fourteen days after its receipt. Nor shall any dealer in, or keeper of a shop for the purchase, sale, or barter, of junk or old metals, permit to be sold or altered any article purchased or received by him until at least one week after its purchase or receipt.

**Section 5.** No person licensed under Section 1 shall, directly or indirectly, either purchase or receive, any article from a minor or apprentice knowing or having reason to believe him to be such.

**Section 6.** No person keeping a shop for the purchase, sale, or barter of junk, old metals, or secondhand articles shall purchase or receive, either directly or indirectly, any of the aforesaid articles or have his shop open for the transaction of business except between 8:00 am in the morning and 10:00 pm in the evening. No such licensee shall directly or indirectly purchase or receive any such articles at any other than the address displayed on the license unless specifically invited into the residence of a potential customer or at a bona fide trade show.

**Section 7.** No person offering any article for sale shall give a wrong or false name or address or fictitious information pertaining to his identity. No person holding a license under Section 1 shall knowingly write a wrong or false name or address of a person thus offering an article for sale, or knowingly permit the entry of such wrong or false name or address into the bound book as defined in Section 2. Any police officer taking cognizance of any such violation may request the offender to state his true name and address. Whoever, upon such request, refuses to state his name or address, or states a false name or address, or a name or address which is not his name or address in ordinary use, may be arrested by a police officer without a warrant. Anyone violating this section shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars.

**Section 8.** Every person keeping a shop for the purchase, sale, or barter of junk, old metals, or secondhand articles shall make out, or cause to be made out, and deliver, either in person or by messenger, or by United States mail every week, or more often if required, a legible and correct list, in the English language, containing an accurate description of all articles and coins either purchased or received, directly or indirectly, during the preceding week. All lists shall be submitted on a format as prescribed by the Chief of Police and shall be submitted on or before the close of business Fridays. If submitted via United States mail it shall be postmarked not later than the Saturday immediately following.

**Section 9.** The provisions of this Article are severable, and, if any of its provisions shall be held unconstitutional or invalid by any court of competent jurisdiction, the decision of said court shall not affect or impair any of the remaining provisions.

**Section 10.** Any violation of preceding Sections 2 through 7 and 9 shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars for a first offense, and upon a second or subsequent offense a fine of not less than fifty dollars nor more than one hundred dollars, and the licensing authority may revoke said license for any violation of the preceding sections.

**Section 11.** The provisions of Section 4 of this Article shall not apply to transactions in coin, numismatic matter, bullion or precious metals. The provisions of Section 4 of this Article shall also not apply to wholesalers or wholesale transactions between licensed retailers under this Article. Transactions in jewelry are not to be considered as transactions in precious metals for purposes of this exemption.

(Amended Special Town Meeting, Oct. 28, 1987, Article 18)

## **ARTICLE X. Hawkers and Peddlers**

**Section 1.** No hawker or peddler shall sell any of the articles enumerated in Section 17 of Chapter 101 of the MGL, and the laws in amendment thereof or addition thereto, until he has recorded his name and residence with the Chief of Police or such other officer as is designated by the Board of Selectmen and been assigned a number.

**Section 2.** No hawker or peddler shall carry or convey any articles enumerated in Section 17 of Chapter 101 of the MGL, and the laws in amendment thereof or addition thereto, in any manner that will tend to injure or disturb the public health or comfort, otherwise than in vehicles or receptacles which are neat and clean and do not leak.

**Section 3.** Every vehicle or receptacle in which any hawker or peddler shall carry or convey any of the articles enumerated in said Section 17 of Chapter 101 of the MGL, and the laws in amendment thereof or addition thereto, shall have painted on it, in letters and figures, at least two inches in height, the name of the person selling and the number assigned to him, and every such vehicle or receptacle shall be submitted to the inspection of the Chief of Police at such time and at such place as he may direct for inspection.

**Section 4.** No person hawking, peddling, selling or exposing for sale any articles enumerated in Section 17 of Chapter 101 of the MGL, and the laws in amendment thereof or addition thereto, shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the Town.

(Amended Special Town Meeting, June 3, 1996, Article 5.)

## **ARTICLE XI. Contracts by Town Officers**

**Section 1.** No Town officer and no salaried employee of the Town or any agent of any such officer or employee shall sell materials or supplies or furnish labor to the Town by contract or otherwise without the permission of the Board of Selectmen or other Board authorized to purchase or otherwise secure materials, supplies and labor for the Town, expressed in a vote which shall appear on the records of such Board with the reason therefor.

**Section 2.** No Town officer and no salaried employee of the Town or agent of any such officer or employee shall receive any compensation for work done or service performed by him for the Town, except his official salary and fees allowed by law, without the permission of the Board of Selectmen or other Board authorizing such work or service, expressed in a vote which shall appear on the records of such Board with the reason therefor.



**Section 3.** The purchase of all goods and services and the disposal of surplus property shall comply with the provisions of M.G.L. Chapter 30B, as it may from time to time be amended.

(Amended Special Town Meeting, June 2, 1956, Article 5.)

(Amended Special Town Meeting, May 17, 1982, Article 13)

(Amended Special Town Meeting, Oct. 28, 1987, Article 27)

(Amended Special Town Meeting, May 14, 1990, Article 22)

(Amended Special Town Meeting, Jan. 22, 2001, Article 6)

## **ARTICLE XII.**

### **Police Regulations**

**Section 1.** No owner or person having the care of any sheep, goats, swine, oxen, cows, horses or other grazing animals shall permit or suffer the same to go at large or to graze on any street, way, common, square or other public place within the Town, nor permit any such animal to go upon any sidewalks therein except for the purpose of crossing the same.

**Section 2.** No person shall hitch his horse to an ornamental tree standing or growing upon or near any sidewalk or suffer any horse to remain hitched across any sidewalk or draw or propel any handcart, wheelbarrow, or any carriage of burden or pleasure (except children's carriages drawn by hand), over any sidewalk so as thereby to cause any injury either to person or property of others or to obstruct the safe and convenient passing of persons lawfully using the same, or to injure or encumber any such sidewalk. No person shall stop his team, carriage or their vehicle or unnecessarily place any obstruction on any foot crossing made in and across any public ways in the Town.

**Section 3.** No person shall leave any vehicle or material or place any obstruction in any sidewalk, street or public place and suffer the same to remain there overnight without maintaining a sufficient light and suitable guards over or near the same throughout the night, nor allow the same to remain after notice from a police officer, constable or the Selectmen to remove the same. It shall be no violation of this section, however, to place or put upon a sidewalk or public place tables and chairs for outdoor dining when such placement is done in conformity with the Zoning By-Law and pursuant to a permit issued by the Board of Selectmen. Such permit shall be issued on a yearly basis, to be effective no earlier than March 1 and no later than October 31 in each year. The Board of Selectmen may issue and approve such a permit upon an application properly made when in their judgement the allowance of same will not unreasonably impede the passage of pedestrian or wheelchair traffic or result in an increase of litter or debris. In acting upon such permits, the Board may impose such reasonable conditions as in their judgement will result in safe and convenient passage of pedestrian and wheelchair traffic and prevent an increase in litter.  
(Amended Special Town Meeting, June 3, 1996, Article 19)

**Section 4.** No person shall place or maintain over any sidewalk, any awning, shade, shade frame, canopy, sign or signboard without a permit from the Board of Selectmen, but no such awning, shade, shade frame, canopy, sign or signboard shall be less than seven feet from the ground in the lowest part nor extend beyond the line of the sidewalk.

**Section 5.** No person shall ride any horse or drive any horse or horses attached to a vehicle of any description in or upon any street or way for public travel at such an immoderate rate of speed as to injure or expose to injury or inconvenience any person standing, walking or riding therein.

**Section 6.** No person shall, by any means or in any manner, wilfully frighten any horse or play at any game in which a ball is used, or shoot with bows and arrows, fly any kites, or throw stones or other missiles in any street or on any sidewalk.

**Section 7.** No person shall skate or coast upon any sled upon any sidewalk or any street or public place except at such times and upon such streets or places as the Selectmen, by public notice, designate for such purposes.

**Section 8.** No person shall discharge any gun, fowling-piece, pistol or firearm, or set fire to any material known as fireworks, or other combustible matter, or throw any such lighted fireworks in any of the public ways or streets of the Town, except on such occasions and of such character and kind as the Board of Selectmen may, by public notice, permit; provided, however, this section shall not apply to any person in the exercise of a duty required or justified by law.

**Section 9.** No person, other than a duly authorized officer or employee, shall dig a trench or lay a pipe in or in any way disturb the earth or materials on, in or under any street or public way, without a permit in writing given by the Board of Selectmen upon application by said person made to said Board; and whenever such a permit is so issued, the person or persons to whom it shall be issued shall, whenever a pipe, drain or any other structure is placed in, along or under such a street or public way, file with said Board a plan of the same showing the location and elevation of such pipe, drain or other structure, said plan to be of such size and standard as said Board may require.

**Section 10.** The owner of any land in the Town which has been excavated shall erect barriers or take other suitable measures within five days after being notified in writing by the Selectmen that, in the opinion of the Selectmen, such excavation constitutes a hazard to public safety.  
(Special Town Meeting, August 13, 1964, Article 8.)

**Section 12.** No person shall behave in a rude, indecent or disorderly manner or use an indecent, profane or insulting language in any public place or on any street or sidewalk in the Town or near any dwelling house or other building therein, or upon any doorstep, portico or other projection from any such house or other building to the annoyance or disturbance of any person; nor shall any person throw or drop in or upon any footpath, sidewalk or highway in the Town any piece of wire, nail, metal, mineral or other material that might or would be a source of annoyance or danger to anyone lawfully passing over or using the same.

**Section 13.** (a) Whoever continues to stand, sit or loiter in, or about any street, sidewalk, or any public way so as to obstruct the free passage of travellers or vehicles thereon, after being directed by a police officer to move on or disperse, shall be punished by a fine not exceeding twenty-five dollars.

(b) It shall be deemed to be a breach of the peace and it shall be the duty of any police officer of the Town to order any person, so acting as to obstruct the free passage of travellers or vehicles, to move on and disperse, and if the person so ordered does not forthwith obey, to remove such person, or to arrest and cause such person to be brought before a Justice of District Court of Norfolk County, Dedham, Massachusetts, upon a complaint made for a violation of the provision of the preceding paragraph (a).

(c) The provisions of this by-law are severable, and, if any of its provisions shall be held unconstitutional or invalid by any court of competent jurisdiction the decision of said court shall not affect or impair any of the remaining provisions.  
(Amended Special Town Meeting, November 17, 1975, Article 20.)

**Section 14.** No owner or occupant of property shall permit any gate leading to premises abutting on any public way in the Town to swing outwardly upon said public way.

**Section 15.** No person shall throw or deposit in any manner upon any public way, place or square in the Town any article, substance or material which may prove injurious in any respect to the hoofs of animals, the tires of bicycles or the rubber tires of automobiles and other vehicles.

**Section 16.** No person having the charge of a vehicle in any street shall neglect or refuse to stop the same as directed by a police officer.

**Section 17.** No person shall distribute or deposit advertising circulars, papers or other matter on the streets of the Town or shall team manure, hay, rubbish, ashes, liquid or other material in such a manner as to litter, pollute or injure the streets of the Town nor shall any person throw or deposit in any street or on any sidewalk, ashes, dirt, rubbish or other refuse of any kind except in the manner provided by the Board of Health.

**Section 18.** No person shall cart or convey garbage, manure, rubbish, or filth of any kind nor any noxious refuse liquid or solid matter or substance in any public street or place, except in such manner and at such times as the Board of Health by regulation or permit shall prescribe.

**Section 19.** No owner or driver of a vehicle shall bait or feed in a street or public place a horse or beast connected with such vehicle except in a place or places designated by the Chief of Police, nor unless the horse or beast while being baited or fed is under the care of some suitable person and is properly secured to prevent it from getting beyond such person's control.



**Section 20.** No person shall, without authority from the Board of Selectmen open or interfere with a signal box, wire or anything connected with the fire alarm apparatus except in cases of fire.

**Section 21.** No person shall, without proper authority, extinguish, or remove any light placed to denote an obstruction or defect in a street or way.

**Section 22.** No person shall, without proper authority, intermeddle with or wilfully break or injure any hydrant, gate, gate-box, or water pipe placed or located within the limits of any public way or place in the Town.

**Section 23.** No person shall, without proper authority, intermeddle with or wilfully break any arc lamp or lamp globe or incandescent lamp or any insulators or attachments used to carry power for electric street lighting or any parts of said lamps or globes or of the fixtures thereof placed or located within the limits of any public way or place in the Town. Whoever violates the provisions of this section shall be liable to a fine not exceeding fifty (\$50) dollars for each offense.

**Section 24.** No person shall make any indecent figures or write any indecent or obscene words upon any fence, building or structure in any public place, or commit a nuisance upon any sidewalk or against any tree, building or structure adjoining the same.

**Section 25.** No person or persons shall play or perform on any musical instrument or sing, parade, march or congregate or sing, play music or make announcements from a so-called sound truck; in a public way or public place, except in connection with a funeral, without the written permit of the Selectmen, or of other town official designated by them.  
(Amended at Special Town Meeting, June 23, 1960, Article 6.)

**Section 26.** The owner or agent of any real estate abutting on Washington Street between Railroad Avenue and Guild Street and on Guild Street between Washington Street and Central Street or of any real estate in the Town upon which is located a business or commercial enterprise or his agent having charge of such real estate shall cause the sidewalk in front of same to be cleared of snow within six hours of daylight after any snow has ceased to fall. If the snow cannot be wholly cleared therefrom such owner or agent shall cause it to be removed to such extent as will leave the sidewalk safe for travel. If the snow is not removed as above provided, it shall be removed at the expense of such owner or agent by the Selectmen. Any such owner or agent violating the provisions of this By-Law shall be punished by a fine of ten dollars for each violation thereof.

(Amended at Special Town Meeting, March 27, 1961, Article 17.)

**Section 27.** No person shall enter upon the premises of another in the Town for the purpose of committing any wanton or malicious act or with intent to invade the privacy of another by peeping into the windows of a house or spying upon any person or persons resident therein. Nothing contained in this section shall be construed to abridge or in any way limit the right of a police officer to enter upon private property in the performance of his official duties.  
(Special Town Meeting, December 29, 1954, Article 8.)

**Section 28.** No person or party not a resident or taxpayer in the Town, nor an agent, servant or employee of such non-resident or non-taxpayer shall dispose of any rubbish or other waste material upon any premises provided by the Town for a public dump, unless first having obtained a written permit from the Town Manager under such conditions and limitations as the Town Manager may impose. Such permit shall not be required of the Town of Norwood nor of a resident or taxpayer in the Town nor of a person acting in his or its behalf. Any person or party violating this section shall be subject to a fine of not more than Twenty (\$20.00) Dollars.

(Special Town Meeting, December 8, 1958, Article 3.)

**Section 29.** No person or party shall dispose of any rubbish or waste material upon any premises provided by the Town for a public dump unless such rubbish or waste material has been accumulated and gathered in the Town of Norwood. Any person or party violating this section shall be subject to a fine of not more than Twenty (\$20.00) Dollars.

(Special Town Meeting, December 8, 1958, Article 3.)

**Section 30.** No person shall park, leave or abandon, either voluntarily or otherwise, a vehicle upon any street or way so as to interfere with the plowing of snow or the removal of snow or ice, and any such vehicle so parked, left or abandoned may be removed or caused to be removed by the superintendent of public works or his duly authorized agent to some convenient place, including in such term a public garage and liability for the cost of removal of such vehicle and charges for storage, if any, shall be upon the owner thereof.

(Special Town Meeting, March 27, 1961, Article 16.)

**Section 31.** No person shall, without the authority of the Board of Selectmen, place, paint or affix any sign, picture, political poster or advertising material of any kind upon any post, tree, sign, rock or other fixed place or object within the limits of any public way in the Town.

Anyone violating this By-Law shall be subject to a fine not in excess of Twenty (\$20.00) Dollars for each offense.  
(Special Town Meeting, November 8, 1962, Article 27.)

**Section 32.** No person shall remove or cause to be removed snow or ice from any privately owned premises and deposit same upon a public way or sidewalk within the limits of such way. Any snow or ice so deposited and not promptly removed shall be removed by order of the Selectmen or their duly authorized agent at the expense of the owner of said premises. Any such owner or agent violating the provisions of this By-Law shall be punished by a fine not to exceed Twenty (\$20.00) Dollars for each violation thereof.

(Special Town Meeting, March 27, 1961, Article 18.)

(Re-Numbered from 31 to 32 on December 8, 1965, Article 6.)

**Section 33.** (a) No owner or keeper shall cause or permit any dog to run at large within the town. While on any public way or place, dogs shall be under restraint by the owner or keeper. A dog is under restraint within the meaning of this by-law if he is controlled by a leash or at "heel" beside a competent person and obedient to the person's commands, or on or within a vehicle being driven or parked on the street. Dogs running at large will be caught and confined and the owners notified.

(b) It shall be unlawful for any person to fail to have in his or her immediate possession an appropriate device for removing dog excrement whenever such person permits or causes a dog under his or her control to be on property not owned or possessed by such person.

(c) It shall be unlawful for any person to fail to remove the excrement left by any dog under his or her control that was deposited on any public or private property not owned or possessed by such person. Excrement that is removed shall be placed in a standard refuse container located upon the property owned or possessed by the person in control of such dog.

(d) It shall be unlawful for any person to allow dog excrement to accumulate in any yard, pen, building, structure or premises so as to cause an annoyance or discomfort to the public. The accumulation of dog excrement is hereby declared to be a public nuisance.

(e) This section and its sub-sections may be enforced by complaint to the District Court or by the Non-Criminal Disposition provisions referred to in Article XXIV of these By-Laws. Owners or keepers in violation of any provision of this section will be liable to a penalty of \$20.00 for the first violation and \$25.00 for each subsequent violation.

(Amended Special Town Meeting, October 30, 1995, Article 20.)

**Section 34.** Fire Lanes-Leaving of Vehicles in certain private ways.

(a) Fire Regulations: It shall be unlawful to obstruct or block a private way with a vehicle or any other means so as to prevent access by fire apparatus or equipment to any multiple family building, stores, shopping centers, schools and places of public assembly.

(b) Fire Lanes: It shall be unlawful to obstruct or park a vehicle in any Fire Lane, such Fire Lanes to be designated by the Head of the Fire Department and posted as such. Said Fire Lanes to be a distance of twelve (12) feet from the curbing of a sidewalk in a shopping center, apartment complexes and similar locations. Where no sidewalk with curbing exists, the distance and location shall be established by the Head of the Fire Department.

(c) Any object or vehicle obstructing or blocking any Fire Lane or private way, may be removed or towed by the Town under the direction of a Police Officer at the expense of the owner and without liability to the Town of Norwood.

(d) The owner of record of any building affected by these sections shall provide and install signs and road marking as provided in Paragraph (b) of this section. Said signs shall be no less than 12" x 18" and shall read "Fire Lane-No Parking-Tow Zone".

(e) Any person violating any of the foregoing sections may, for each offense, be punished by a fine of Twenty (\$20.00) Dollars. Each day that such violation continues shall constitute a separate offense.

**Section 34A.** The leaving of vehicles unattended is prohibited within the limits of private ways under the jurisdiction of the Norwood Housing Authority which furnish means of access for fire apparatus to any building.

(Special Town Meeting, March 26, 1980, Article 24.)

(Amended Special Town Meeting, May 17, 1982, Article 10.)

**Section 35. Automatic Amusement Devices-** No person shall allow or suffer the operation of any Automatic Amusement device pursuant to Section 177A of Chapter 140 of the Massachusetts General Laws, without a license therefor issued by the Board of Selectmen. Selectmen shall set the fees for such license, including a separate fee for Sunday operation of such devices.

(Special Town Meeting, January 11, 1990, Article 19.)

(Special Town Meeting, May 11, 2009, Article 12.)

**Section 36. Juke Box Devices Fee-** No person shall allow or suffer the operation of a Juke Box in any commercial establishment pursuant to Section 283 of Chapter 94 of the Massachusetts General Laws, without a license therefor issued by the Board of Selectmen. Reasonable fees for such licenses shall be set by the selectmen.

(Special Town Meeting, January 11, 1990, Article 20.)

(Special Town Meeting, May 11, 2009, Article 13.)

**Section 37.** No person shall tell fortunes for money within the Town of Norwood except following proper licensure by the Board of Selectmen in accordance with the provisions of Chapter 140, Section 185I of the General Laws of Massachusetts. The annual fee for such licensure is hereby set at \$50.00.

(Special Town Meeting, May 13, 1991, Article 15.)

**Section 38. 1.** These regulations shall apply to each and every Door-to-Door or Other Public Solicitor in the Town of Norwood except authorized representatives of non-profit charitable, educational, and medical organizations and except insofar as they may be in conflict with statutory or constitutional provisions. In the event of a conflict between statutory or constitutional provisions, these regulations should be subordinate thereto so far as is necessary to eliminate the conflict.

2. Persons covered by the by-law shall prior to soliciting business in the Town of Norwood be required to register with the Town of Norwood Police Department pursuant to the terms of this by-law, unless they have already registered within the prior 12 months.

3. Each and every solicitor shall fill out a form approved by the Chief of Police and shall include the following Information:

- a. Person's name and permanent residence and telephone number.
- b. Valid I.D. (driver's license acceptable).
- c. Name of organization the person is representing.
- d. Telephone number and person to contact from the organization they represent.
- e. The purpose of the solicitation or business to be conducted by said person or persons, including a list of the items to be sold or distributed, if any.
- f. The estimated period during which each person will be in the Town of Norwood.

4. Applications for solicitation shall be made at least 48 hours in advance except for reasonable cause, the determination of which shall be at the exclusive discretion of the Chief of Police.

5. Door to door or other solicitors shall not enter private property where specifically prohibited by the owner or person in control thereof, either personally or by other means of a sign.

6. Door to door or other public solicitors shall carry proper identification signifying their relationship to the organization they represent.

7. Violation of any provision of this section shall be punishable by a fine not to exceed \$300.

(Special Town Meeting, May 13, 1991, Article 17.)

**Section 39.** No hawker or peddler, merchant or other persons shall sell or barter or carry or offer for sale or barter any goods or merchandise, the sole purpose or function of which is spraying or shooting an object or substance from a closed container by means of compressed air or gas, including but not limited to items commonly referred to as "liquid string" or "silly string." Neither shall any hawker, peddler, merchant or other person sell or barter or carry or offer for sale or barter any goods, the sole purpose or function of which is to create offensive odor by means of emanations of gas or vapor into the atmosphere, including but not limited to objects known as "stinkbombs."

This By-Law shall not be construed to prohibit the use of tear gas by law enforcement officials or by others lawfully empowered to such use. Persons convicted of violating this by-law shall be punished by a fine not to exceed \$300.

(Special Town Meeting, October 18, 1993, Article 21.)

**Section 40.** No persons shall use a bicycle, scooter, skateboard, roller skates, or in-line skates on any public place, sidewalk, or public way within the Town where such use is posted as prohibited by order of the Board of Selectmen.

Any violation of this by-law shall be punishable by a fine of not less than twenty-five dollars nor more than fifty dollars for a first offense, and upon a second or subsequent offense, a fine of not less than fifty dollars nor more than one hundred dollars.

(Special Town Meeting, November 15, 1999, Article 16.)



**ARTICLE XIII.**  
**Repeal and Amendment of By-Laws**  
**and Penalties Thereunder**

**Section 1.** These by-laws may be repealed or amended at any annual Town meeting or at any other Town meeting specially called for the purpose, an article or articles for such purpose having been inserted in the warrant for such meeting.

**Section 2.** Every violation of any of the provisions of the foregoing by-laws contained in Articles 9,10,11, and 12, unless otherwise provided by law or these by-laws, shall be punished by a fine not less than five (\$5.00) Dollars nor more than Twenty (\$20.00) Dollars for each violation or breach thereof.

**Section 3.** These by-laws shall go into effect upon their acceptance by the Town and their approval and publication in the manner required by law, and all by-laws heretofore existing are hereby repealed.

**ARTICLE XIV.**  
**Norwood Curfew By-Law**

**Section 1.** No child under sixteen years of age shall remain or loiter upon any street, highway, park or other public way or place in the Town after ten o'clock in the afternoon of any day unless accompanied by or under the control or care of a parent, guardian or other adult person or unless in some proper employment or in the performance of some duty directed by said parent, guardian or other adult person.

(Amended at Special Town Meeting, December 29, 1954, Article 7.)

**Section 2.** The Chief Engineer of the Fire Department shall cause the whistle regularly used for fire alarms to be blown at forty-five minutes past nine o'clock each evening which shall be known as the curfew warning.

(Amended at Special Town Meeting, Dec. 29, 1954, Article 7.)

**ARTICLE XV.**  
**Capital Outlay Committee**

**Section 1.** There shall be a committee organized to be known as the Capital Outlay Committee, consisting of nine members as follows:

(A) One member from each of the following groups, or its designee to be designated by such group:

Board of Selectmen  
Finance Commission  
Planning Board  
Board of Assessors  
School Committee

The members originally designated as above, shall serve until the next annual Town Meeting in January and thereafter such terms shall be for one year to expire on the date of the annual Town Meeting in January of each year.

(B) The remaining four members shall be appointed by the Moderator, one to serve until the next annual Town Meeting, one to serve until the second annual meeting and the other two to serve until the third annual meeting and upon the expiration of each of these terms, the Moderator shall appoint for terms of three years.

**Section 2.** Whenever any vacancy shall occur in the Committee, it shall be filled by the appointing authority which appointed the member whose position shall have become vacant. Any person appointed to fill a vacancy in the committee shall hold office for the unexpired term of the person whom he succeeds.

**Section 3.** The General Manager, Town Clerk and Accountant, Town Treasurer, and the Librarian shall be ex-officio members of the Committee. They shall not be entitled to vote on the making of recommendations to be included in the committee's reports. The Committee shall choose its own officers, and shall serve without compensation.

**Section 4.** It shall be the duty of the Committee to ascertain annually what capital outlays will be required by the Town during the next six years. In making this determination, it may consult with town, County and State officials, with other boards and committees of the Town, and with other competent organizations and individuals whom they choose. It shall publish and distribute to each Town Meeting member an annual report and such further reports as it deems advisable, and shall include in such reports its estimates of the impact on income, operational expenses and tax rates, and its recommendation for scheduling and financing Capital Outlays.

(Special Town Meeting, March 19, 1959, Article 7.)

(Amended Special Town Meeting, July 2, 1959, Article 21.)

(Amended Special Town Meeting, March 29, 1976, Article 3.)

## **ARTICLE XVI.**

### **Inspector of Gas Piping and Gas Appliances**

**Section 1.** The Inspector of Buildings shall appoint an Inspector of Gas Appliances in buildings, who shall receive such compensation as the Inspector of Buildings shall determine, subject to the approval of the Board of Selectmen. He shall hold such position until another is appointed in his stead and subject to removal by said Inspector of Buildings, as provided by law. He shall inspect all gas piping and appliances, as directed, in any buildings in the Town of Norwood and enforce the Rules and Regulations adopted and established under Section 12 of Chapter 25 of the Massachusetts General Laws. It shall be the responsibility of the Gas Inspector to fulfill any other duties consistent with his office that may be imposed upon him by the Inspector of Buildings at any time.

The fee for Gas Inspection shall be determined by the Inspector of Buildings and such fees shall be paid by the person qualified to do gas fitting in the Town of Norwood.

**Section 2.** Every gas fitter before commencing work in a building, shall first, except in the case of the repair of leaks, which shall be repaired immediately, file at the office of the Inspector of Buildings upon blanks provided for that purpose, a notice of the work to be performed; and no such work will be done in any building except in accordance with plans to be submitted, if required, which shall be approved by the Gas Inspector and a permit issued therefor. Permits to perform gas fitting shall be issued to persons qualified to do gas fittings in the Town Of Norwood. Permits may be recalled if the conditions under which they are issued are violated.

**Section 3.** Whoever violates any provisions of the Rules and Regulations adopted under Section 12H of Chapter 25 of the Massachusetts General Laws be punished as provided therein any person who violates Section 3N of Chapter 143 of the Massachusetts General Laws shall be punished by a fine of not more than five hundred dollars.

(Amended Special Town Meeting, November 17, 1975, Article 21.)

## **ARTICLE XVII.**

### **Permanent Building Construction Committee**

**Section 1.** The Chairman of the Board of Selectmen, Chairman of the School Committee and the Town Moderator, herein after referred to as the Appointing Authority, shall appoint a Permanent Building Construction Committee to consist of seven members as follows:

Seven registered voters who shall be appointed in the following manner:

Two for one year

Two for two years

Three for three years

Upon the expiration of these terms all appointments shall be for three years. Terms shall expire on May 1st or until the successors are appointed and qualified.

The department head of the given project shall be an ex-officio member without a vote and the General Manager shall be an ex-officio member without a vote on general government projects.

The purpose of this amendment is to eliminate the general manager as an "ex-officio" member and the appointing authority is herewith authorized to fill the single vacancy caused by this amendment.

## **Section 2. Removal**

Any member of the committee may be removed from this committee by the Appointing Authority upon written charges filed with the Town Clerk and after public hearing held not less than ten days after public notice.

## **Section 3. Vacancies**

Any vacancy in the committee shall be filled by appointment by the Appointing Authority and the member so appointed shall serve for the unexpired term of his predecessor. If any regular member of the Committee shall cease to be a resident of Norwood, he shall forthwith cease to be a member of the Committee.

## **Section 4. Duties**

Subject to authorization by Town Meeting, the Committee shall have charge of construction, additions, and major renovations of all municipal buildings with authority to enter into contracts and make expenditures. Committee shall be required to follow same General Laws and accounting procedures as are adhered to by all other town departments. Copies of all signed contracts shall be filed with the Town Accountant immediately. Any change orders shall also be filed as soon as signed. All possible known expenditures shall be encumbered and purchase order system used whereby Accountant certifies that funds are available prior to issuance of purchase order. All bills signed by majority of Committee. Committee shall follow provisions of Chapter 693, Acts of 1964.

Committee shall submit in writing under Article 2 of the Annual Town Meeting a report on all building projects as to their status at that time and include a financial statement with respect to same and any recommendation thereof.

(Amended Special Town Meeting, April 14, 1975, Article 7.)

## **ARTICLE XVIII.**

### **Council on Aging**

**Section 1.** There is hereby established a Council for the Aging consisting of seven (7) members to be appointed by the Selectmen, and to serve at their pleasure but in no event for more than four (4) years.

**Section 2. Duties.** The duties of said Council on Aging shall be to:

- (1)-identify the total needs of the community's elderly population;
- (2)-educate the community and enlist support and participation of all citizens concerning these needs;
- (3)-design, promote or implement services to fill these needs, or coordinate present existing services in the community;
- (4)-promote and support any other programs which are designed to assist elderly programs in the community.

Said Council on Aging shall cooperate with the Commonwealth of Massachusetts, Commission on Aging and shall be cognizant of all state and federal legislation concerning funding, information exchange, and program planning which exists for better community programming for the elderly.

Said Council on Aging shall give an annual report to the Selectmen with a copy of that report directed to the Commonwealth of Massachusetts, Commission on Aging. (Massachusetts General Laws, Chapter 40, Section 8B).

(Special Town Meeting, May 4, 1972, Article 1.)

(Amended Annual Town Meeting, May 14, 2001, Article 11.)

## **ARTICLE XIX.**

### **No Shooting - Firearms**

**Section 1.** No person shall fire or discharge any firearm within the limits of any park, playground, or other public property except with the consent of the Board of Selectmen, or fire or discharge any firearm on any private property except with the consent of the owner or legal occupant thereof. This by-law shall not apply to the lawful defense of life or property, or to any law enforcement officer acting in the discharge of his duties. Any person violating any of the provisions of this by-law shall be punished by a fine of not more than twenty (\$20) dollars for each offense.

(Special Town Meeting, March 21, 1973, Article 8.)



## **ARTICLE XX. Alcoholic Beverages**

No person shall drink any alcoholic beverages as defined in Chapter 138, Section 1 of the General Laws, as amended, while in, on or upon any public way or any way to which the public has access, including any persons in a motor vehicle while it is in, on or upon any public way or any way to which the public has access; and no person shall drink any alcoholic beverages as aforesaid, in, on or upon any public park, playground, town owned land or any other similar places to which the members of the public have access; and no person shall drink any alcoholic beverages as aforesaid, in, on or upon any private land or place, without the consent of the owner or person in control of such public or private land or place.

Anyone violating this section may be arrested by a police officer without a warrant. All alcoholic beverages being used in violation of this section may be seized and held until final adjudication of the charge against any such person or persons has been made by the court. A violation of this section may be punished by a fine not to exceed \$50.00 dollars. The provisions of this by-law are severable, and, if any of its provisions shall be held unconstitutional or invalid by any court of competent jurisdiction, the decision of said court shall not affect or impair any of the remaining provisions.

Provided however, that adoption of this by-law is contingent upon the approval by the Attorney General as required under Section 32 of Chapter 40 of the General Laws, as amended.

(Amended Special Town Meeting, November 17, 1975, Article 19.)

## **ARTICLE XXI. Fee Schedule-Explosive and Inflammable Materials**

The filing fees for licenses and certificates of registration as required by Section 13 of Chapter 148 (General Laws), as amended, is as follows:

- |  |          |
|--|----------|
| 1. Original License.....                   | \$500.00 |
| 2. Annual Certificate of Registration..... | \$100.00 |

(Special Town Meeting, May 9, 1994, Article 2.)

(Amended Special Town Meeting, May 14, 2007, Article 8.)

## **ARTICLE XXII. Regulation of Retail Food Stores Hours of Operation**

**Section 1.** For the purpose of controlling noise and promoting the public peace for the general welfare and to protect and promote the night-time tranquility, no person shall, except as hereinafter provided, sell any food at retail between the hours of 12:00 midnight and 6:00 A.M.

**Section 2.** No store or place of business engaged in the retail sale of food shall, except as hereinafter provided, be open for transaction of retail business between the hours of 12:00 midnight and 6:00 A.M.

**Section 3.** The term food used in this by-law shall include any article or commodity, however stored or packaged, intended for human consumption, and shall include alcoholic beverages to be consumed off the premises at which they are sold, unless any other law or permit or license granted to the seller of such beverages shall otherwise provide.

**Section 4.** This Article shall not apply to the sale of food or alcoholic beverages when such sale is by a common victualler or innholder licensed under Chapter 140 of the General Laws, primarily engaged in the sale of food to be consumed on the premises where sold.

**Section 5.** Violators of this Article shall be subject to a fine of \$200.00 for each violation. For purposes of this Article, every calendar day on which a store shall remain open shall be deemed a separate offense, and each separate sale of food shall be deemed a separate offense. In the event of sale of several items at one time to one customer, only one sale shall be deemed to have taken place.

**Section 6.** In cases where, in their opinion, the public good requires it, the Board of Selectmen may issue a special permit allowing a store or place of business engaged in the retail sale of food to remain open for the transaction of such business to an hour, specified in the permit, later than 12:00 midnight or to remain open 24 hours a day. Such special permits shall remain in effect for a period of one year. Application for such permit shall be made on forms supplied by the Board of Selectmen, and shall be accompanied by a non-refundable fee of \$25.00.  
(Special Town Meeting, February 21, 1979, Article 25.)

### **ARTICLE XXIII.**

#### **Junk Cars: Trucks, Motor Vehicles, Contractor's Equipment or Similar Equipment**

(a) No person or entity, corporate or otherwise, as owner or as one in control of premises, shall keep in the open in any area of the Town of Norwood, except land designated by the Board of Selectmen for public dumping purposes, any junk automobile, truck, motor vehicle, contractor's equipment or similar types of equipment as defined in Paragraph (b) of this section.

(b) For the purpose of this by-law, a junk automobile, truck, motor vehicle, contractor's equipment or similar types of equipment shall be one which is worn out, cast off, or abandoned, and which is ready for dismantling or destruction, or which has been collected or stored for salvage or for stripping, in order to make one of parts thereof. Any parts from such vehicle shall be considered junk automobile, truck, motor vehicle, contractor's equipment or similar types of equipment under this by-law.

(Amended Spec. Town Meeting, May 8, 1989, Article 5.)

(c) Any person or entity who violates this by-law shall be liable to a fine of \$25.00 for each day such violation continues.

(d) "Antique motor car", any motor vehicle over twenty-five years old which is maintained solely for use in exhibitions, club activities, parades or other functions of public interest and which is not used primarily for the transportation of passengers or goods over any way.

(e) This regulation shall not apply to: (1) a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; (2) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer; or (3) unlicensed, operable or inoperable antique and special interest vehicles or parts thereof stored by a collector on private property, provided that the vehicles and the outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, or other appropriate means.  
(Special Town Meeting, May 24, 1979, Article 7.)

### **ARTICLE XXIV.**

#### **Non Criminal Disposition of By-Law Violations**

"Any by-law of the Town of Norwood, or rule or regulation of its departments, boards, commissions and committees, the violation of which is subject to a specific penalty, may, in the discretion of the Town Official who is the appropriate enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the Massachusetts General Laws" Non Criminal Disposition of Certain Violations." "Enforcing Person" as used in this by-law shall mean the Animal Control Officer, Conservation Commission Enforcement Agent(s), Fire Chief, Superintendent of Public Health, Health Inspector/Sanitarian, Building Inspector. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto."

(Amended Town Meeting, May 11, 1992, Article 13.)

**ARTICLE XXV**  
**Wetlands Protection By-Law**

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Section I. Purpose

- A. The purpose of this Bylaw is to protect the wetlands, water resources and adjoining land areas in this municipality by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon wetland values. These values include but are not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution, fisheries, shellfish, wildlife habitat, recreation, aesthetics, agriculture and agriculture values (collectively the "wetland values protected by this Bylaw"). This Bylaw is intended to utilize the Home Rule authority of this municipality to protect resource areas, for additional values, with standards and procedures stricter than those of the Wetlands Protection Act, MGL c. 131, § 40, and

regulations, 310 CMR 10.00 et seq. These additional values are subject to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth.

## *Section II. Definitions*

- A. The following definitions shall apply in the interpretation and implementation of this Bylaw:
1. ALTER - Includes, without limitation, the following activities, when undertaken to, upon, within or affecting resource areas protected by this Bylaw:
    - a. Removal, excavation or dredging of soil, sand, gravel or aggregate materials of any kind.
    - b. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns or flood retention characteristics.
    - c. Drainage into or causing disturbances to existing water levels.
    - d. Dumping, discharging or filling with any material which may degrade water quality.
    - e. Placing of fill, or removal of material, which would alter elevation.
    - f. Driving of piles, erection or repair of buildings or structures of any kind.
    - g. Building docks or piers.
    - h. Placing of obstructions or objects in water.
    - i. Causing or permitting the destruction of plant life including cutting of trees or trimming of trees or shrubs.
    - j. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any water.
    - k. Performing any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater.
    - l. Applying pesticides or herbicides.
  2. BANK- The land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.
  3. COMMISSION - The Conservation Commission of the Town of Norwood, as being duly formed pursuant to M.G.L. c. 40, §8C.

4. **PERSON** - Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, this municipality and any other legal entity, its legal representatives, agents or assigns.
5. **INTERMITTENT STREAM** - An open body of running water, including brooks and creeks, which move intermittently in a definite channel, natural or man-made in the ground due to a hydraulic gradient. A portion of a intermittent stream may flow through a culvert or beneath a bridge. Such bodies of running water are intermittent streams, except for those that serve only to carry the intermittent surface runoff from storm water or snow melt. Such a body of running water which does not flow throughout the year (i.e., which is intermittent) is a intermittent stream.
6. **ISOLATED WETLANDS** - Isolated wetlands generally have no surface water connections to other aquatic resources and often perform many of the same important environmental functions as other wetlands, including recharging streams and aquifers, storing flood waters, filtering pollutants from water, and providing habitat for a host of plants and animals
7. **POND** – All surface water bodies of any size that may be either naturally occurring or man-made by impoundment, excavation, or otherwise. Ponds shall contain standing water except for periods of extended drought.
8. **RARE SPECIES** - Shall include, without limitation, all vertebrate and invertebrate animal and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Massachusetts Division of Fisheries and Wildlife.
9. **STREAM** - An open body of running water, including brooks and creeks, which move in a definite channel, natural or man-made in the ground due to a hydraulic gradient year-round. A portion of a stream may flow through a culvert or beneath a bridge.
10. **VERNAL POOL** - Shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways. Vernal pools will at least in most years, hold water for a minimum of two continuous months during the spring and/or summer and contains at least 200 cubic feet of water at some time during most years. Vernal pools are free of adult predatory fish populations, and provide essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species. Such confined basins or depressions shall be considered Vernal Pools regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for a vernal pool shall be 100 feet outward from the mean annual high-water line defining the depression, but shall not include a lawn,

garden, landscaped area or developed area in existence at the time of the effective date of this provision in this Bylaw.

Note: Except as otherwise provided in this Bylaw or the regulations of the Commission, the definitions of terms in this Bylaw shall be as set forth in the Wetlands Protection Act, MGL c. 131, § 40, and regulations, 310 CMR 10.00 et seq.

### *Section III. Jurisdiction*

- A. Except as permitted by the Norwood Commission or as provided in this Bylaw, no person shall remove, fill, dredge, build upon, degrade, discharge into or otherwise alter the following resource areas:
1. freshwater wetlands
  2. marshes
  3. wet meadows
  4. bog
  5. swamps
  6. vernal pools
  7. banks
  8. beaches
  9. reservoirs
  10. lakes
  11. ponds of any size subject to any law or regulation of the Commonwealth governing so-called "Great Ponds"
  12. rivers
  13. streams, including intermittent streams
  14. creeks
  15. lands under water bodies
  16. lands subject to flooding or inundation by groundwater or surface water
  17. lands within 100 feet of any of the aforesaid resource areas; rivers, streams and creeks whether perennial or intermittent, known as the buffer zone.
  18. Lands within 200 feet of any river, stream, or creek (collectively the "resource areas protection' by this Bylaw"), known as the Riverfront Area.



Note: Said resource areas shall be protected whether or not they border surface waters.

#### *Section IV. Exceptions*

- A. The application and permit required by this Bylaw shall not be required for work performed for normal maintenance or improvement of land in agricultural use as defined by the Wetlands Protection Act Regulations at 310 CMR 10.04. Or for land in use as a lawn, garden, landscaped area or developed area at the time of the effective date of this By-Law, but only so long as the exempt use shall continue unabated. However, nothing contained within this provision shall prohibit the Commission from exercising its full enforcement powers under this Bylaw and the Wetlands Protection Act should it determine the activity is not normal maintenance or improvement of land in agricultural use.
- B. The permit and application required by this Bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services. The waiver of this Bylaw shall exist if written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.
- C. The permit and application required by this Bylaw shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that the work is to be performed by, or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof. Advance notice, oral or written, must be given to the Commission prior to commencement of work or within 24 hours after commencement. Conservation Commission or its agent will certify the work as an emergency project, provided that the work is performed only for the time and place certified by the Conservation Commission for the limited purposes necessary to abate the emergency. Within 21 days of commencement of any emergency project a permit application shall be filed with the Commission for review as provided in this Bylaw. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

*Other than stated in this section, the exceptions provided in the Wetlands Protection Act and regulations, 310 CMR 10.00 et seq, shall not apply under this Bylaw.*

#### *Section V. Wetlands Protection*

Application for permit; request for determination; fees; outside consultants.

- A. Application for permit;
  - 1. Written application shall be filed with the Commission to perform activities regulated by, and affecting resource areas protected by this Bylaw. The application shall include such information and plans as are deemed necessary by

the Commission to describe proposed activities and their effects on the environment and the resource areas protected under this Bylaw. No activities shall commence without receiving and complying with a permit issued pursuant to this Bylaw.

2. The Commission in an appropriate case may accept as the application and plans under this Bylaw the Notice of Intent and plans filed under the Wetlands Protection Act, MGL c. 131, s 40, and regulations, 310 CMR 10.00 et seq.

#### B. Request for Determination

1. Any person desiring to know whether or not a proposed activity or an area is subject to this Bylaw may in writing request a determination from the Commission. Such a request for determination shall contain data and plans specified by the regulations of the Commission.
2. At the time of a permit application or request for determination, the applicant shall pay a filing fee specified in regulations of the Commission. This fee is in addition to that required by the Wetlands Protection Act, MGL c. 131, § 40, and Regulations, 310 CMR 10.00 . et seq.
3. The Commission may waive the filing fee, consultant fee and costs and expenses for a permit application or request for determination filed by a government agency.
4. The Commission shall waive the filing fee, consultant fee and costs and expenses for a permit application for a request for determination filed by a person having no financial connection with the property which is the subject of the request. Should the determination be positive, the owner shall be responsible for associated fees and expenses.

#### C. Consultant Fees

1. Fee requirements are listed in the Norwood Conservation Commission Regulations
  - a. Upon receipt of a permit application or request for determination, the Commission is authorized to require an applicant to pay a reasonable fee for the costs and expenses borne by the Commission for specific expert engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application. This fee is called the consultant fee. The specific consultant services may include but are not limited to wetlands survey and delineation, analysis of wetland values, hydrogeologic and drainage analysis, wildlife habitat evaluations and environmental or land use law
  - b. Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid, and

expenditures may be made at the sole discretion of the Commission. Any consultant hired under this provision shall be selected by, and report exclusively to, the Commission.

- c. The Commission shall provide applicants with written notice of the selection of a consultant, identifying the consultant, the amount of the fee charged to the applicant, and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered. The applicant may withdraw the application or request within five (5) business days of the date notice is given without incurring any costs or expenses. The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and Department of Environmental Protection (DEP) of such a decision in writing.
- d. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue, or a related field. The entire fee must be received before the initiation of consulting services. The applicant shall pay the fee to the town to be put into a consultant services account of the Commission which may be drawn upon by the Commission for specific consultant services approved by the Commission at one of its public meetings. The exercise of discretion by the Commission in making its determination to require the payment of a fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision.
- e. The Commission shall return any unused portion of the consultant fee to the applicant unless the Commission decides at a public meeting that other action is necessary. Any applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provisions of the Massachusetts General Laws.
- f. The consultant fee charged shall reimburse the Commission for reasonable costs and expenses. Three consultants will be asked to provide services based on a scope of work defined by the Norwood Conservation Commission, and the lowest quote by a qualified consultant will be chosen.

#### *Section VI. Notice and Hearing*

- A. Any person filing a Notice of Intent with the Norwood Conservation Commission shall at the same time give written notification thereof, by delivery in hand or certified mail,

- return receipt requested, to all abutters within three-hundred feet of the property line of the land where the activity is proposed, at the mailing addresses shown on the most recent applicable tax list of the assessors, including, but not limited to, owners of land directly opposite ad proposed activity on any public or private street or way, and in another municipality or across a body of water. Said notification shall be at the applicant's expense, and shall state where copies of the notice of intention may be examined and obtained and where information regarding the date, time and place of the public hearing may be obtained. Proof of such notification, with a copy of the notice mailed or delivered, shall be filed with the conservation commission.
- B. When a person requesting a Determination of Applicability is other than the owner, the request, the notice of the hearing and the Determination itself shall be sent by the Commission to the owner as well as to the person making the request.
  - C. The Commission shall conduct a public hearing on any application or request for determination, with written notice given at the expense of the applicant, five days prior to the hearing, in a newspaper of general circulation in the municipality. Notice shall also be given to the Norwood Planning Board and the Norwood Board of Health.
  - D. The Commission, receiving a Notice of Intent, together with rproof of service as required by Section VI.A of this By-Law, shall hold a public hearing on the proposed activity withing twenty-one days of the receipt of said notice. The Commission shall issue its decision within twenty-one days of the close of the public hearing thereupon unless an extension is authorized in writing by the applicant.
  - E. The Commission shall issue its permit or determination, in writing, within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.
  - F. The Commission in an appropriate case may combine its hearing under this Bylaw with the hearing conducted under the Wetlands Protection Act, MGL c. 131, § 40, and regulations, 310 CMR 10.00 et seq.
  - G. The Commission shall have authority to continue the hearing to a date announced at the hearing, for reasons stated at the hearing. Those reasons may include lack of a quorum, receipt of additional information offered by the applicant or others, information and plans required of the applicant deemed necessary by the Commission in its discretion. A hearing may be continued pending comments and recommendations of boards and officials including Board of Selectmen, Planning and Zoning Board, Zoning Board of Appeals, Board of Health, Town Engineer, and Building Inspector. In the event that the applicant objects to a continuance or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

#### *Section VII. Review by other Boards and Officials*

- A. Any person filing an application for permit (Form 3 Notice of Intent or Form 4 Abbreviated Notice of Intent) or a Request for Determination (Form 1) with the Commission, shall inform each of the following: the Board of Selectmen, Planning

and Zoning Board, Board of Appeals, Board of Health, Town Engineering Division and Building Inspector. Notification may be by certified mail or hand delivery, and shall state that the same is on file in the Commission office for their immediate review. A copy shall be provided in the same manner to the Conservation Commission of an adjoining municipality, if the application for permit or request for determination pertains to property within 300 feet of that municipality. An affidavit of the person providing notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. The Commission shall not take action until such boards and officials have had 14 days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission. The applicant shall have the right to receive any such comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

*Section VIII. Issuance or Denial of Permit; Terms of Permit*

- A. If, after a public hearing, the Commission determines that the activities which are the subject of the application are likely to have a significant individual or cumulative effect upon the wetland values protected by this Bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect said Resource Area values, and all activities shall be done in accordance with those conditions. A permit may identify requirements that shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation and replication of protected resource areas throughout the municipality, resulting from past activities, permitted and exempt, and foreseeable future activities.
- B. The Commission is empowered to deny a permit for failure to meet the requirements of this Bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications and performance standards, or other requirements in regulations of the Commission. Failure to avoid or prevent unacceptable significant or cumulative effects upon the wetland values protected by this Bylaw and where no conditions are adequate to protect those values shall also result in a permit denial. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.
- C. Lands within 100 feet of the specified resource areas, and within 200 feet of rivers, streams, and creeks, are presumed important to the protection of these resources. Activities undertaken in said lands, which are in close proximity to resource areas, have a high likelihood of adverse effect upon them either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, but not be limited to, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission therefore may require that



the applicant maintain a strip of continuous, undisturbed vegetative cover within the aforementioned one-hundred-foot or two-hundred-foot area, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by this Bylaw. The specific size and type of protected areas including setbacks, no disturb, no build areas may be established by regulations of the Commission.

- D. In the case of areas within 200 feet of rivers, streams, and creeks, no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this Bylaw, has proved by a preponderance of the evidence that there is no practicable alternative to the proposed project with less adverse effects. Should there be no practicable alternative, that such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this Bylaw. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purposes, logistics, existing technology, costs of the alternatives and overall project cost.
- E. To prevent wetland loss, the Commission shall require applicants to avoid wetlands alteration wherever feasible; shall minimize wetlands alteration; and, where alteration is unavoidable, shall require full mitigation.
- F. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with adequate security, professional design, and professional monitoring to assure success, because of the high likelihood of failure of replication.
- G. The Commission may require a wildlife habitat study of the project area, to be paid for by the applicant, whenever it deems appropriate, regardless of the type of resource area or the amount or type of alteration proposed. The decision shall be based upon the Commission's estimation of the importance of the habitat area considering but not limited to such factors as proximity to other areas suitable for wildlife, importance of wildlife "corridors" in the area, or possible presence of rare species in the area. The work shall be performed by an individual who at least meets the qualifications set out in the wildlife habitat section of the Wetlands Protection Act Regulations at 310 CMR 10.60 et seq.
- H. The Commission shall presume that all areas meeting the definition of "vernal pool" under this Bylaw, including the adjacent area, perform essential habitat functions. This presumption may be overcome only by the presentation of credible evidence, which, in the judgment of the Commission, demonstrates that the basin or depression does not provide essential habitat functions. Any formal evaluation shall be performed by an individual meeting the qualifications under the wildlife habitat section of the Wetlands Protection Act Regulations.
- I. A permit, Determination of Applicability (DOA), or Order of Resource Area Delineation (ORAD) shall expire one year from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring (3) three years from the date of issuance for recurring or continuous maintenance work. A



permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land.

- J. For good cause, the Commission may revoke or modify a permit or determination issued under this Bylaw after notice to the holder of the permit, notice to the public, abutters and town boards, pursuant to a public hearing. Amendments to permits or determinations shall be handled in the manner set out in the Wetlands Protection Act Regulations and policies there under.
- K. The Commission in an appropriate case may combine the decision issued under this bylaw with the permit, DOA, ORAD, or Certificate of Compliance (COC) issued under the Wetlands Protection Act and regulations. No work proposed in any application shall be undertaken until the permit, or ORAD issued by the Commission. No work shall be undertaken until the permit or ORAD has been recorded in the registry of deeds and proof that that all relevant documents have been recorded and supplied to the Commission. Likewise, no work shall be undertaken if the land affected is registered land, (in the registry section of the land court for the district wherein the land lies), until the holder of the permit certifies in writing to the Commission that the document has been recorded. If the applicant fails to perform such recording, the Commission may record the documents itself and require the Applicant to furnish the recording fee, either at the time of recording or as a condition precedent to the issuance of a Certificate of Completion.

#### *Section IX. Rules and Regulations*

- A. After public notice and public hearing the Commission shall promulgate rules and regulations to effectuate the purposes of this Bylaw effective when voted and filed with the town clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Bylaw.
- B. At a minimum, these regulations shall reiterate the terms defined in this bylaw, define additional terms not inconsistent with the bylaw, and impose filing and consultant fees.

#### *Section X. Security*

- A. As part of a permit issued under this Bylaw, in addition to any security required by any other municipal or state board, agency or official, the Commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:
  - 1. By a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

### *Section XI. Enforcement; Violations and Penalties*

- A. No person shall remove, fill, dredge, build upon, degrade or otherwise alter resource areas protected by this Bylaw or cause, suffer, or allow such activity. No person shall leave in place unauthorized fill or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this Bylaw without the required authorization.
- B. The Commission, its agents, officers and employees shall have authority, to the extent provided by the constitutions and laws of the United States and the Commonwealth or with prior approval from the property owner, to enter upon privately owned land for the purpose of performing their duties under this Bylaw and may make or cause to be made such examinations, surveys or sampling as the Commission deems necessary.
- C. The Commission shall have authority to enforce this Bylaw, its regulations and permits issued hereunder by violation notices, administrative orders, non-criminal citations under MGL c. 40, § 21D, and civil and criminal court actions. Any person who violates provisions of this Bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or be fined, or both.
- D. Upon request of the Commission, and the Board of Selectmen and the Town Counsel may take legal action for enforcement under civil law.
- E. Municipal boards and officers shall have authority to assist the Commission in enforcement.
- F. Any person who violates any provision of this Bylaw, regulation, permits or administrative orders issued, shall be punished by a fine of three hundred dollars (\$300.00). For each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the Bylaw, regulations, permit or order violated shall constitute a separate offense.
- G. As an alternative to criminal prosecution in a specific case, the Commission may issue citations under the noncriminal disposition procedure set forth in MGL c. 40, § 21 D which is made a part hereof and is incorporated herein by reference.

### *Section XII. Burden of Proof*

- A. The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant or cumulative effect upon the wetland values protected by this Bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

### *Section XIII. Relations to Wetlands Protection Act*

- A. This Bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Statutes, independent of the Wetlands Protection Act, MGL c. 131, § 40, and regulations 310 CMR 10.00 et seq. It is the intention of this bylaw that the purpose, jurisdiction, authority, authorized regulations, standards, and other requirements shall be interpreted and administered as stricter than those under Wetlands Protection Act, MGL c. 131, § 40, and regulations 310 CMR 10.00.

### *Section XIV. Severability*

- A. The invalidity of any section or provision of this town Bylaw shall not invalidate any other section or provision thereof, nor shall it be constructed to invalidate any permit or determination which previously has been issued.

### *Section XV. Appeals*

- A. A decision of the Conservation Commission shall be reviewable in the Superior Court in an action filed within 60 days in accordance with MGL c. 249, § 4.

(Special Town Meeting, March 26, 1980, Article 27.)

(Amended Special Town Meeting, May 11, 2009, Article 45.)

(Amended Special Town Meeting, November 2, 2009, Article 9.)

### *Section XVI. Priority Development Sites(s)*

- A. Where the development of a Priority Development Site (PDS), as defined in Section 11 of the Zoning By-Laws, requires a permit hereunder, an application therefor shall be submitted simultaneously with any other permit application(s) required by the By-Laws or said Zoning By-Laws relating to the use or development of the PDS, or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D, and may be reviewed concurrently therewith.
- B. The Commission shall render a decision on any such application no later than one hundred eighty (180) days from the date of submittal thereof.

(Special Town Meeting, December 6, 2010, Article 7.)

## **ARTICLE XXVI. Alarm System By-Law**

### **Section 1. Definitions**

(a) For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1)The term "Alarm System" means an assembly of equipment and devices or a single device such as a solid state unit which plugs directly into a 110 volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. Fire Alarm systems and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this by-law. The provision of Section 3 of this by-law shall apply to all users.

(2)The term "False Alarm" means (a) the activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or of his employees or agents; (b) any signal or oral communication transmitted to the Police Department requesting or requiring or resulting in a response on the part of the Police Department when in fact there has been no unauthorized intrusion, robbery or burglary, or attempt threat. For the purposes of this definition, activation of alarm systems by acts of God, including but not limited to, power outages, hurricanes, tornadoes, earthquakes, and similar weather or atmospheric disturbances shall not be deemed to be a false alarm.

### **Section 2. Control and Curtailment of Signals Emitted by Alarm Systems**

(a) Every alarm user shall submit to the Police Chief the names and telephone numbers of at least two other persons who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm systems is installed, or

(b) All alarm systems installed after the effective date of this ordinance which use an audible horn or bell shall be equipped with a device that will shut off such horn or bell within ten (10) minutes after activation of the alarm system.

(c) Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes between 7 p.m. and 6 a.m. which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under paragraph (a) of this section, and which disturbs the peace, comfort or repose of a community, a neighborhood or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Chief shall endeavor to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user's family, or those persons designated by the alarm user under paragraph (a) of this section in an effort to abate the nuisance. The Police Chief shall cause to be recorded the names and addresses of all complainants and time each complaint was made.

### **Section 3. Penalties**

(1) Upon receipt of three or more false alarms within a calendar year, the Police Chief may order the user:

- (a) to discontinue the use of the alarm;
- (b) may disconnect any direct connections to the Police Department;
- (c) may order that further connections to the communications console in the Police Department will be contingent upon the user equipping any alarm system with a device that will shut off any audible horn or bell within ten (10) minutes after activation of the alarm system.

(2) The user shall be assessed Fifty (\$50) Dollars as a false alarm service fee for each false alarm in excess of three (3) occurring within a calendar year. All fees assessed hereunder shall be paid to the Town Treasurer for deposit to the general fund.

(Special Town Meeting, June 15, 1981, Article 12.)

## **ARTICLE XXVII. Las Vegas Nights Town By-Laws**

(1) Each qualified organization will be limited to three (3) Las Vegas Nights in any twelve (12) month period.

(2) Las Vegas Nights held under Raffle and Bazaar permits will be limited to qualified Norwood residents and/or Norwood organizations.

(3) The guidelines and rules set down by the Massachusetts State Lottery Commission for the operation of Las Vegas Nights are herewith adopted by the Town of Norwood.



(4) The games of Poker and Night at the Races are prohibited.  
(Special Town Meeting, May 17, 1982, Article 12.)  
(Amended Special Town Meeting, April 3, 1986, Article 24.)

## **ARTICLE XXVIII.**

### **Handicapped/Disabled Veteran Parking By-Law**

1. Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, or for any other place except residential dwellings, where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by section two of chapter ninety, according to the following formula:

If the number of parking spaces in any such area is more than fifteen, but not more than twenty-five, one parking space; more than twenty-five, but not more than forty, five percent of such spaces, but not less than two; more than forty but not more than one hundred, four percent of such spaces, but not less than three; more than one hundred, but not more than two hundred, three percent of such spaces, but no less than four; more than two hundred, but not more than five hundred, two percent of such spaces, but not less than six; more than five hundred, 2% of such spaces, but not less than six; more than five hundred, but not more than one thousand one and one-half percent of such spaces, but not less than ten; more than one thousand, but not more than two thousand, one percent of such spaces, but not less than fifteen; more than two thousand, but less than five thousand, three-fourths of one percent of such spaces, but not less than twenty; and more than five thousand, one-half of one percent of such spaces, but not less than thirty.

2. Parking spaces designated as reserved under the provisions of paragraph (1) shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking; Special Plate Required. Unauthorized Vehicles May be Removed at Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve feet wide or two eight-foot wide areas with four feet of cross hatch between them.

3. All persons shall be prohibited from leaving unauthorized vehicles within parking spaces designated for use by disabled veterans or handicapped persons as authorized by clause (1) or in such a manner as to obstruct a curb ramp designated for use by handicapped persons as a means of egress to a street or public way.

The penalty for each violation of this By-Law shall be Fifty Dollars; in addition, any vehicle parked in violation hereof may be removed according to the provisions of Chapter 266, section 120D of the Massachusetts General Laws.

(Special Town Meeting, May 23, 1983, Article 4.)

(Amended Special Town Meeting, November 3, 1997, Article 14.)

## **ARTICLE XXIX.**

### **Printed Matter Vending Machines By-Law**

1. No person, firm, corporation, association, partnership, trust, or other type of entity shall place, install, use, or maintain any printed matter vending machine on any public property without obtaining a written permit therefor from the Norwood Board of Selectmen.

2. A "printed matter vending machine" (hereinafter called "machines") shall mean any coin or token operated box, container, rack, stand, storage unit or other dispenser or device installed, placed, used, operated or maintained for the display and sale or distribution of newspapers, periodicals, or other printed matter for public use.

3. The application for the permit shall fully and specifically describe the printed matter vending machine by setting forth its size by height, depth, and width or any other relevant dimensions if varying in height, depth and width, the name and business address of the applicant, the exact date or dates said machines will be in place or operation, the exact place where said machine will be located, the manner by which said machine shall be affixed or held in place, and the description of any object to which said machine shall be affixed. Further reasonable information which may affect the public safety, health, or order in the community may be requested from the applicant. An annual application fee, the amount of which will be determined upon passage of this By-Law and annually thereafter by the Norwood Board of Selectmen, which fee will be



reasonably related to the costs of processing said application, shall be paid for each machine licensed. The form of application shall be approved by the Town Counsel.

4. Within twenty days of receipt of such completed application, the Norwood Board of Selectmen shall grant a permit or shall order a hearing within an additional 10 days, giving at least 5 days written notice to the applicant.

5. Within ten days next following the close of the hearing, the Norwood Board of Selectmen shall grant such permit or shall deny such application upon a finding that issuance of such a permit would lead to the creation of a nuisance or would endanger the public health, safety or order by:

(a) unreasonably increasing pedestrian traffic in the area in which the machine is located;

(b) endangering the public safety as follows: by reason of the machine's projecting onto, into, or over any part of the roadway of any public street; by reason of its being affixed to a site or location used for public utility purposes, public transportation purposes, or governmental use; or by reason of its being located in such a manner as to unreasonably interfere with or impede the flow of pedestrian or vehicular traffic, sidewalk or street cleaning and/or snow removal, and the ingress or egress from any residence, place of business or any legally parked or stopped vehicle; by reason of esthetic harm and defacement caused by its being affixed to poles, posts, traffic signs or signals, hydrants, mailboxes or other objects at or near such location.

6. No machine shall be chained, bolted, or otherwise attached to property owned or maintained by the Town of Norwood; within three feet of any crosswalk; within fifteen feet of any fire hydrant; within five feet of any fire or police call box or other emergency facility; within five feet of any driveway, public or private, within three feet ahead of fifteen feet to the rear of any designated bus stop, taxi stand, or place marked for handicapped parking; within three feet of any bus bench or shelter; at any location whereby the clear space for the passageway of pedestrians is reduced to less than four feet; within three feet of any display window of any building abutting the sidewalk or other public place in such a manner as to impede or interfere with the reasonable use of such window for display purposes.

7. No machine shall be used for advertising signs or publicity purposes other than that which is essential to identify on no more than two sides of the machine the printed matter offered for sale therein. No letter thereon shall exceed two square inches in size.

8. Each machine shall be maintained in a clean and neat condition and in good repair at all times, and it shall be of one color that does not unnecessarily contrast with the immediate surroundings except that the lettering may contrast with such one color. No reflectorized paint, day-glo, fluorescent, or scotchlite reflective materials or materials of like nature may be used on such machine.

9. The person who places or maintains such machine shall have his name or Massachusetts agent's name, address, and telephone number affixed thereto in a place where such information may easily be seen.

10. All persons who have placed or intend to place machines in the Town of Norwood shall have thirty days from passage of the within By-Law by the Town Meeting and approved by the Attorney General to comply with the said provisions or such additional time as the Norwood Board of Selectmen may allow in their discretion.

11. Notice of the denial of an application for permit shall be in writing and accompanied by a statement of the reasons therefor. No application shall be denied if the anticipated harm is not significant or if the likelihood of its occurrence is remote. The Norwood Board of Selectmen may impose conditions upon the permit but said conditions may only relate to compliance with applicable laws or ordinances or to public safety, health or order, or to steps required to be taken to guard against creation of a nuisance or to insure adequate safety and security for the public. No applicant having been denied a permit as aforesaid shall submit the same or similar application within one year of said denial without including in said new application facts showing that the circumstances upon which the original denial was based have substantially changed.

12. Violation of the terms and conditions in this by-law or in any permit granted hereunder shall be punishable by fines not to exceed \$200.00 and said violation shall be cause for cancellation, suspension, revocation or modification, after hearing, upon three days written notice, sent registered or certified mail, to the name and address set forth in the annual application. The Town of Norwood may petition the Superior Court department of the trial court to enjoin any violation of this by-law or the conditions in any permit granted hereunder. If, after hearing, the applicant fails to comply with the order of the Norwood Board of Selectmen, said Selectmen may order the removal of said machines and place them in storage in a secure place; the cost of removal and storage shall be paid by the permit holder.

13. If such machine is not used for the distribution of printed matter for a period of 60 calendar days, the same shall be deemed as abandoned property and may be disposed of according to law.

(Special Town Meeting, November 7, 1983, Article 30.)

**ARTICLE XXX**  
**No Parking of Commercial Vehicles**

(Special Town Meeting, October 28, 1985, Article 24.)

(Repealed Special Town Meeting, November 14, 1988, Article 5.)

**ARTICLE XXXI.**  
**Fire Alarm and Fire Protection Systems**

**Section 1: Secured Key Access**

Any building other than a residential building of less than six (6) units which has a fire alarm system or other fire protection system shall provide a secure key box installed in a location accessible to the Fire Department in case of emergency. This key box shall contain keys to fire alarm control panels and other keys necessary to operate or service fire protection systems. The key box shall be a type approved by the Chief of the Norwood Fire Department and shall be located and installed as approved by the Chief.

Any building owner violating this by-law after receiving due notice by the Fire Department shall be subject to a fine of fifty dollars (\$50.00).

(Special Town Meeting, May 12, 1986, Article 8.)

**Section 2: Alarm System Regulations.**

**A. Definitions.**

For the purpose of this By-Law, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in present tense include the future; words used in the plural number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) Norwood Fire Department hereinafter referred to NFD as used throughout.

(b) The term "Fire Alarm System" means an assembly of equipment and devices or a single device such as a solid state unit which is powered electrically or mechanically, arranged to signal the presence of a hazard requiring urgent attention and to which the Fire Department is expected to respond. Fire Alarm Systems monitor temperature, smoke, extinguishing systems, hazardous flammable gases and include manual pull station. Any other condition not directly related to the detection of fire is specifically excluded from the Fire Alarm System.

(c) The term "Automatic Dialer" means any device capable of transmitting an alarm of fire to the Fire Department over a telephone line and received in a recorded voice form by the Fire Department and may only be used to report fire alarm activations.

(d) The term "Alarm System Malfunction" means activation of a fire alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or of his employees or agents. For the purposes of this definition, activation of alarm systems by acts of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes, and similar weather or atmospheric disturbances shall not be deemed to be accidental.

(e) "Fire Alarm System Owner": An individual or entity who owns title to and/or has, on a business or residential premises, a fire alarm system equipped so as sound an alarm of fire on the premises or to send a fire alarm signal to a central station operating company or directly to the NFD by way of a master box.

(f) "Master Box Owner": An individual or entity who has on a business or residential premises a fire alarm system equipped so as to send a fire alarm signal directly to the NFD by way of a master box.

(g) "Fire Chief"; The Chief of the NFD.

**B. Connection of Fire Alarm Systems to NFD by way of a Master Box.**

(a) Before any fire alarm system is connected to the NFD, the master box owner shall provide the Fire Chief with the following information:

1. The name, address, and home and work telephone numbers of the master box owner.
2. The street address where the master box is located.
3. The names, addresses and telephone numbers of the persons or businesses protected by the fire alarm system connected to the master box.
4. The names, addresses and home and work telephone numbers of at least two persons, other than the owner, who can be contacted twenty-four hours a day, who are authorized by the master box owner to respond to an alarm signal and who have

access to the premises in which the master box is located.

5. Such other information as the Fire Chief may require.

In the event a fire alarm system is connected to the NFD by way of a master box, prior to the adoption of this By-Law, the master box owner shall comply fully with the requirements of this section within sixty (60) days after notice by first class mail of the requirements of this section. If a master box owner fails to comply with this section, the Fire Chief, in his discretion, may access a fine of fifty dollars (\$50.00) for each day of non-compliance.

### **C. Other Connections to the NFD.**

(a) Direct central alarm office connections to the NFD are prohibited.

(b) Alarms received from central station offices will only be received over the emergency telephone lines in the NFD. Such alarm transmissions shall be made by a human operator and not electronic voice signal.

(c) The use of any type of automatic dialer is prohibited.

(d) Any person, firm or corporation found to be using equipment prohibited in Section (b) or (c) shall disconnect such equipment after notice by the NFD. Failure to do so after five (5) days of receipt of said notice shall be punishable by a fine of fifty dollars (\$50.00) per day each day the violation continues.

### **D. Alarm System Malfunction Fines.**

(a) If there is an alarm system malfunction, as defined herein, the Fire Chief may access a fine against an alarm system owner for each malfunction per fiscal year according to the following schedule:

1. First through third malfunction

No charge

Upon the recording of the third alarm by the NFD, the Fire Chief shall notify the owner of the building, in writing and by certified mail, of such fact, and at this time inform the owner of the Department's policy with regard to charging for alarms. (Send copy of the policy at this time.)

Fourth through sixth malfunction

\$100.00

Seventh through eleventh malfunction

\$200.00

Each malfunction after the eleventh

\$300.00

(b) Any alarm which is the result of the failure of the property owner, occupant or their agents to notify the NFD of repair, maintenance or testing of the internal alarm system within the protected premises, shall cause a penalty to be accessed in accordance with Section (a).

(c) For the purpose of this regulation, an alarm system malfunction shall be defined as follows:

1. The operation of a faulty smoke or heat detector device.

2. Faulty control panel or associated equipment.

3. A water pressure surge in automatic sprinkler system.

4. Accidental operation of an automatic sprinkler system.

5. An action by an employee of the owner or occupant of the protected premises or a contractor employed by the owner or the occupant causing accidental activation of the internal alarm system.

(d) Property owners will be billed once a month for the previous month's malfunction activity. All fines assessed shall be paid to the Town of Norwood Fire Department for deposit to the General Fund.

### **E. Appeal Procedure**

Any alarm system owner who is aggrieved by any action taken by the Fire Chief under this By-law may, with ten (10) days after notice of such action, file an appeal, in writing, to the Board of Selectmen of the Town of Norwood (the Board). The Board shall hold a hearing and shall issue a written decision in which it affirms, annuls or modifies the action taken by the Fire Chief.

The Board shall mail its decision by certified mail to the owner within ten (10) days after the hearing and shall file a copy of

its decision in the offices of the Town Clerk within such ten (10) day period. The decision of the Board shall be a final administrative decision.

#### **F. Regulations and Enforcement**

The Fire Chief may promulgate such regulation as may be necessary to implement this By-Law. The Fire Chief is authorized to pursue such legal action as may be necessary to enforce this By-Law.

#### **G. Deposit in the General Fund**

All fines assessed herein shall be payable to the Town of Norwood Fire Department for deposit in the General Fund.

#### **H. Severability**

The provisions of this By-Law shall be deemed to be severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

(Special Town Meeting, May 12, 1986, Article 8)

(Amended, Special Town Meeting, November 18, 1991, Article 9)

### **ARTICLE XXXII.**

#### **Norwood Airport Curfew By-Law**

Whereas the Town of Norwood, as sole owner and proprietor of the Norwood Municipal Airport, mindful of its rights, obligations and responsibility to protect the Town's population from excessive airport noise by the adoption and enforcement of uniform and reasonable rules, while placing no more than an incidental burden on interstate commerce, in consonance with the recommendations of the consultant, Bolt, Beranek and Newman, in its Noise Abatement Study, Report No. 3345, dated September 1976 concerning Norwood Airport, and under the authority granted by the Legislature of the Commonwealth of Massachusetts in its Acts of 1986, Chapter 372, do hereby enact a By-Law prohibiting aircraft operations at the Norwood Airport between the hours of eleven o'clock postmeridian and seven o'clock antemeridian, except in case of emergency use. (Special Town Meeting, November 13, 1986, Article 3.)

"Attention: The Town of Norwood is enjoined from taking any action to enforce this by-law by order of John J. McNaught, United States District Judge dated April 28, 1987 in the case of E.W. Wiggins Airways, Inc. et al vs. Town of Norwood, Civil Action No. 87-0636-MC in the United States District Court for the District of Massachusetts. Further attention is directed to current entries on the docket of said case."

### **ARTICLE XXXIII.**

#### **Parade Permit By-Law**

In order to promote the public safety and welfare the following regulations shall apply to requests for parade permits.

1. Applications for parades shall be submitted in writing to the Board of Selectmen at least sixty (60) days prior to the event.
2. The application shall include the location of the start and ending of the parade route including all streets to be traversed by the route of the parade.
3. A copy of the application must be submitted by the applicant to the Chief of Police, the Fire Chief and the Superintendent of Public Works.
4. The applicant shall include a list of all participants with his application upon request of the Board of Selectmen.
5. The Board of Selectmen shall have the right to request a deposit of funds for all costs incurred by the Town of Norwood as a result of the parade such as additional police, fire and public works personnel.
6. The Board of Selectmen shall have the right to require the posting of a bond with sureties to secure the payment of all costs and/or damages which might reasonably result from the parade.
7. There shall be no parades between sunset and sunrise and no permit shall be granted for a parade which would result in a disturbance of the public peace.
8. The Board of Selectmen shall be authorized to waive any conditions of this by-law as may be deemed desirable in the best interests of the Town of Norwood.

(Special Town Meeting, February 21, 1989, Article 7.)



**ARTICLE XXXIV.**  
**Rules of Procedure for Norwood**  
**Representative Town Meeting**

**1. GENERAL:** The proceedings of the representative town meeting shall be governed by the parliamentary motions contained in this by-law, as the same may be revised from time to time, unless another provision is made by statute or by these by-laws. When not otherwise specified by this by-law it shall be the duty of the Moderator, as provided by law, to regulate the proceedings of the meeting.

**2. NOTIFICATION:** The town clerk shall, after election of town meeting members notify the newly elected members of their election and the need to be sworn.

The Clerk shall also distribute to each such member a copy of the following:

Chapter 197, Acts of 1914 as amended, so called "Town Charter".

Chapter 541, Acts of 1947 as amended, Representative Town Meeting Act.

By-Laws of the Town of Norwood, as amended.

**3. MEETING DATES AND TIMES:** The Annual Town Meeting shall be called by the Selectmen for the second Monday in May of each year. All subsequent sessions of the Annual and all Special Meetings shall be held on a Monday or Thursday. No session of a town meeting shall continue past the hour of 10:30 o'clock p.m., unless in the Moderator's judgement it appears that the meeting may be able to complete its business and dissolve the same evening with a reasonable extension of time.

**4. PHYSICAL CONDITIONS:** It is the duty of the Selectmen to designate the date, time, and place of the meeting, and therefore to provide adequate space and equipment. The selectmen shall also appoint an appropriate number of constables or police officers to assist the Moderator in preserving decorum and to see that only town meeting members have access to the voting area.

The Moderator should arrange to have the hall divided so that the elected town meeting members are seated in a separate section or voting area, as well as for the seating of other town officials. He should have in mind the divisions of aisles to facilitate counting by tellers, access to the podium, public address system, projection equipment, etc.

The Town Clerk shall appoint checkers to record the attendance of town meeting representatives and to determine the presence of a quorum.

The Town Clerk shall provide an identification badge to each member. The badge will contain the members picture, name, and district number. Badges shall be distributed to town meeting members when they sign in and returned at the end of each session. Badges must be conspicuously displayed by the town meeting members in order to be seated and vote.

**5. QUORUM:** As required by the Representative Town Meeting Act, Chapter 541, Acts of 1947, a majority of the town meeting members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn from time to time. If a quorum is not reached within thirty minutes of the time for which the meeting was scheduled to convene no action may be taken other than to adjourn to a time certain.

**6. DEBATE:** All registered voters of the town have a right to speak, whether or not a town meeting member. Any person wishing to address the town meeting must have permission from the Moderator which is obtained by first raising ones hand to be recognized. Only Town meeting members may offer motions and vote.

Once recognized by the Moderator, a member shall identify themselves by name and district number. Others speakers shall state their name and residence.

All speakers who may be spokesman (retained, paid or otherwise) for any group or individual affected by the article, must so state when identifying themselves.

No member speaking on an issue may close by making a motion to move the question.



The Moderator shall first recognize the sponsor of an article. The Finance Commission shall be recognized first for the article in the Annual Town Meeting or any Special Town Meeting calling for the appropriation of funds. The Moderator shall recognize the chairman of any board or commission who is required to give a recommendation on any matter immediately following the presentation by the sponsor of an article.

**7. LIMITS ON DEBATE:** The sponsor or initial proponent of a motion shall be limited in time to ten minutes. Presentations by groups shall be coordinated in advance with the Moderator and limited to a total of twenty minutes. Subsequent speakers shall be limited to five minutes.

Any speaker may be granted an extension of time by the meeting however no person shall receive more than one extension on any pending motion. The extension shall be for whatever length of time voted by the meeting.

The Moderator shall make a conscious effort to recognize an individual who wishes to speak for the first time, over those who have previously spoken to the issue. Procedural motions subject to debate and motions to amend are considered separate issues.

Nothing herein shall restrict the sponsor of a motion or any other person from addressing the town meeting as often as necessary to answer questions addressed to them by other speakers.

**8. PRESENTATIONS:** Persons or groups intending to refer to printed materials during debate should have said materials mailed to each town meeting member at least seven (7) days before the meeting.

The Selectmen or any other Board or Commission having responsibility over any negotiated contract to be voted upon, or for which money is to be appropriated, should, if at all possible, mail a summary of said contract to each town meeting member at least seven (7) days before the meeting at which the action will be requested.

**9. METHOD OF TAKING VOTES:** Unless otherwise voted by the membership prior to the taking of a vote, all votes requiring a majority will be by voice, i.e.: "Aye" or "No"; or by a non-counted standing vote as decided by the Moderator.

The Moderator's determination of the vote may be challenged by no less than seven (7) members, and such a challenge requires a standing count of the votes. A counted vote once declared by the Moderator may not be challenged.

If a two thirds, four fifths or nine tenths vote is required by statute, a count shall be taken, and the vote recorded by the clerk; but if the vote is unanimous, a count need not be taken, and the clerk shall record the vote as unanimous.

A Roll Call vote or a Secret Ballot vote may be demanded by the meeting in the following manner:

**Roll Call:** A properly made and seconded motion from the floor. Adoption by no less than a majority vote.

**Secret Ballot:** A properly made and seconded motion from the floor. Adoption by a two-thirds vote.

Motions for either a Roll Call vote or Secret Ballot vote are not subject to debate, nor may such a motion be reconsidered. There is no appeal from the outcome of either of these methods of voting.

**Negative vs Affirmative Votes:** Defeat of a negative motion is not sufficient to establish an affirmative action. If no member offers an affirmative motion the Moderator shall inform the body that unless an affirmative motion is made the meeting shall move on to the next action. If no motion is offered the Moderator will move to the next article and the Clerk shall record that no affirmative action was taken on the article.

**10. MOTIONS:** The Rules of Order contained in this by-law have been selected from recognized manuals of Parliamentary Procedure, and amended as deemed suitable for the transaction of local affairs at town meeting.

**Motion Key:** Vote Required, the motions contained herein shall be decided by a majority of those present and voting, M, unless otherwise noted.

**Second Required,=SR**

**No Second Required,=NS**

**Debatable,=D**

**Not Debatable, =ND**

**Amendable,=A**

**Not Amendable,=NA**

Only a Question of Privilege or a Point of Order may interrupt another speaker.

**PRIVILEGED MOTIONS:** Relate to the conduct of the meeting. They take priority over all other motions:

**RANK**

1. To Dissolve:

M,SR,ND,NA

2. To Adjourn to a fixed time, or recess:

M, SR, D, A

3. A point of no quorum:

NO VOTE, NS, ND, NA

4. To fix the time at which to adjourn:

M, SR, D, A

5. A question of privilege:

NO VOTE, NS, ND, NA

**SUBSIDIARY MOTIONS:** Are intended to assist the body to handle pending business. Ordinarily they are applied to main motions for the purpose of disposing of them. Occasionally they may be intended to apply to the main motion in competition

with each other. When they compete their order of rank determines the order in which they will be considered. If the higher ranked subsidiary motion is adopted it disposes of all other pending action.

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|--|----------------------|
| 6. To move the question (stop all debate and vote) | 2/3 VOTE, SR, ND, NA |
| 7. To extend the limits of debate:                 | M, SR, ND, NA        |
| 8. *To postpone to a time certain:                 | M, SR, D, A          |
| 9. *To refer to committee:                         | M, SR, D, A          |
| 10. * To Amend (or substitute):                    | M, SR, D, A          |
| 11. *To indefinitely postpone:                     | M, SR, D, A          |

**INCIDENTAL MOTIONS:** Relate to the conduct of the meeting with respect to the pending business. They arise out of other questions, and, thus are considered before the questions which give rise to them. With respect to all other motions they have the same rank as the motion out of which they arise. They have no rank among themselves, therefore when they compete for application to the same motion, they are decided as they arise.

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|---------------------------|---------------------|
| Point of order:           | NO VOTE, NS, ND, NA |
| *Appeal:                  | M, SR, ND, NA       |
| Division of a question:   | M, SR, D, A         |
| *Separate consideration:  | M, SR, D, A         |
| Fix the method of voting: | *M, SR, D, A        |

\*(secret ballot requires 2/3 vote)

See 9. METHOD OF TAKING VOTES:

- |                          |               |
|--------------------------|---------------|
| Suspension of the rules: | M, SR, ND, NA |
|--------------------------|---------------|

**MAIN MOTIONS:** The motions that bring the business outlined in a warrant article before the town meeting. Main motions shall be presented to the Moderator in writing. A main motion need not be the same wording as the article, however, it may not exceed the scope of the article. Articles are intended to give a general notice of matters to be considered. They should be interpreted in a liberal manner. They may be made only when no other business is pending. They have no rank and therefore yield to all relevant subsidiary and incidental motions. They also yield to all privileged motions. The vote required depends on substantive law. Generally a majority of those present and voting, but there may be many instances in which a statute requires some other proportion, such as two thirds, four fifths, nine tenths.

**Negative Main Motions:** At times it may be desired by the maker of a motion to recommend that no action be taken under an article. This is accomplished by offering a motion of Indefinite Postponement. Normally a subsidiary motion, it may be a main motion at town meeting. It may be made if no other motion is pending. The effect being to dismiss the article. All suitable subsidiary, incidental, and all privileged motions apply to this motion. If passed it has the effect of a negative vote, which is an affirmative action. (see METHOD OF TAKING VOTES: Negative vs Affirmative Votes)

**RECONSIDERATION:** 2/3 Vote, Second is required, matter is Debatable, it is Not amendable. A vote to reconsider is not final but merely a vote to give further deliberation, and renewed attention to the action to be reconsidered. A motion for reconsideration may be offered at anytime when no other business is pending.

A motion to reconsider shall be placed on the table and a vote taken as the first order of business at the next adjourned session of the Town Meeting. If no adjourned session is ordered, pending motions for reconsideration shall be placed before the town meeting immediately prior to acceptance by the Moderator of a motion for dissolution. When motions to reconsider more than one action are made, they shall be considered in the order in which they were offered.

A motion for reconsideration of a subsection of a passed motion may be made, when the original motion is susceptible to division, without first reopening the main motion under the article.

A motion to reconsider, if carried, may not be raised again unless the original vote is amended or reversed. (example: the original vote was in favor; the vote is reconsidered and the resulting vote is against; the vote against may once more be reconsidered.)

If a motion to reconsider is defeated, it may not be made again unless the Moderator determines that the circumstances have changed enough, or enough time has elapsed to make it reasonable to suppose that additional facts for discussion are available.

**\*Postpone To A Time Certain:** This motion would be used to postpone one article until after some other article has been acted upon. The subject may be postponed to an adjourned session of the same meeting, but may not be postponed to a different meeting.

**\*Refer to committee:** When the meetings want a matter to be given further study before a decision is made it may refer it to

a committee. The committee may be one of the towns permanent boards or a special committee. If a special committee is formed the motion should state whom appoints it and when the committee should make a report, i.e. the next special or annual town meeting.

**\*Amend (or substitute):** A motion to amend may be made orally, however when required by the Moderator or the meeting, it shall be made in written form before a vote is taken. No more than two amendments may be entertained by the Moderator at any one time.

When the main motion and amendments differ only in figures, the Moderator shall arrange them in order and take the votes by starting with the largest sum. Once one of the figures receives a majority vote the other figures shall be dismissed.

When a motion to amend is passed, the main motion as amended, is still before the body and subject to debate, further amendment, and a new vote. A motion to amend requires only a majority vote, but an amended main motion requires the same quantum of vote required by the original main motion.

**\*Indefinitely Postpone: As a Subsidiary Motion.** After the main motion is made the only way to suppress it is to indefinitely postpone it. If a motion to indefinitely postpone is lost, there is still an opportunity for defeating the main motion. As the lowest ranking subsidiary motion it may only be made while the main motion is pending. It may be made after an amendment has been acted upon, and the main motion, as amended, is still before the meeting (see negative main motion).

**\*Appeal:** This motion recognizes that it is the duty of the Moderator to first decide questions concerning enforcement of the rules and the order of the meeting, but that is the privilege of any member to appeal from the decision. An appeal from the ruling of a decision of the Moderator must be preceded by a point of order. An appeal must be taken at the time the decision is made. If the appeal is seconded the maker states the basis for the appeal. The Moderator then explains the reason for the decision and puts the question, "Shall the decision of the Moderator be reversed?" A majority is needed to reverse the ruling of the Moderator, a tie sustains the Moderator.

**\*Division of a Question:** If a motion is susceptible of division, meaning that each part makes sense and can stand on its own, then it shall be divided and the questions put separately upon each part by vote of the meeting.

**\*Separate Consideration:** A motion for separate consideration may be made by a member, or in the judgement of the Moderator, when the separate parts of a motion will not stand alone, but the separation of the sections will promote orderliness to the debate. After separate considerations of the sections, the entire proposition is open to amendment. No action on any part is final until action is taken on the whole proposition at the end.

**11. RULES COMMITTEE:** The Moderator shall appoint a TOWN MEETING RULES COMMITTEE after the close of the Annual Town Meeting each year. Said committee shall consist of one member from each town meeting district who shall serve until their successors are appointed. The committee shall meet on its own initiative or on petition of any town meeting member or town official, for the purpose of reviewing the provisions of this by-law. They shall make recommendations for changes in the by-law when they believe said changes will assist in the orderly transaction of municipal business at town meeting.

**12. SEVERABILITY:** The provisions of this by-law are hereby declared to be severable, if any such provision or application of any such provision is held invalid, illegal or unconstitutional, such invalidity, illegality or constitutionality shall not be construed to affect any of the remaining provisions of said by-law.

(Special Town Meeting, May 14, 1990, Article 12)

## **ARTICLE XXXV.**

### **Anti-Noise By-Law**

**Section 1.** It shall be unlawful for any person or persons to engage in construction for hire including excavation and/or pile driving, commercial "including trash or rubbish collection", industrial, or manufacturing operations between the hours of 8:00 P.M. and 7:00 A.M. if the effect of such activities is to create loud annoying, or unusual sounds in any residential area of the Town of Norwood, unless such activities are necessitated by exigent emergency circumstances impacting upon life, safety, or protection of property. The fact that the noise is plainly audible at a distance of one hundred and fifty feet from the aforesaid activities from which it originates shall constitute Prima Facie evidence of a violation of this By-Law.

**Section 2.** Any person violating the provisions of this By-Law shall be punished by a fine not to exceed one hundred (\$100.00) dollars for each offense.

(Special Town Meeting, May 13, 1991, Article 21)



**ARTICLE XXXVI.**  
**Licenses and Permits-Denial, Revocation, or Suspension**

1. As provided in Massachusetts General Laws, Chapter 40, Section 57, an application for a license or permit, or the renewal or transfer thereof, may be denied, revoked or suspended by any licensing authority of the Town if the person, corporation or business enterprise seeking such application, renewal or transfer has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.

2. The Collector of Taxes and any other Town official responsible for collecting a municipal fee or charge, hereinafter referred to as Town Official, shall annually furnish to the licensing authorities of the Town a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a (12) month period except those parties who have filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

3. The licensing authority may deny, revoke or suspend any license or permit including renewals and transfers of any party whose name appears on said list furnished by the Town Official; provided however, that written notice is given to the party and the Town Official supplying a list, and the party is given a hearing to be held not earlier than fourteen (14) days after said notice. Said list shall be Prima Facie evidence for denial, revocation or suspension of said license or permit to any party. The Town Official shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such licensing denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority received a certificate issued by the Town Official that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the Town as of the date of issuance of said certificate.

4. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of this by-law.

5. The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Massachusetts General Law Section One of Chapter Two hundred and sixty-eight, in the business or activity conducted in or on said property.

6. This section shall not apply to the following licenses and permits as provided in Massachusetts General Laws: open burning, Section Thirteen of Chapter Forty-eight; bicycle permits, Section Eleven A of Chapter Eighty-five; sales of articles for charitable purposes, Section Thirty-three of Chapter One hundred and one; children work permits, Section Sixty-nine of Chapter One hundred and forty-nine; clubs, associations dispensing food or beverage licenses, Section Twenty-One of Chapter One hundred and forty; dog licenses, Section One hundred and thirty-seven of Chapter One hundred and forty; fishing, hunting, trapping license, Section Twelve of Chapter One hundred and thirty-one; marriage licenses, Section Twenty-eight of Chapter Two hundred and seven and theatrical events, public exhibition permits, Section One hundred and eighty-one of Chapter One hundred forty, or take any other action in the matter.

(Special Town Meeting, November 7, 1994, Article 11.)

**ARTICLE XXXVII**  
**Regulation and Enforcement of Use of the Town Common**

**Section 1.** Subject to the standards and procedures set forth in this Article, the Board of Selectmen may adopt and from time to time amend regulations concerning the time, manner and purpose of use of the Town Common, bounded by Washington Street, Central Street, Cottage Street and Nahatan Street. The regulations shall be such as in the judgement of the Board of Selectmen and will protect and enhance the public convenience and safety, minimize vandalism or damage to Town facilities, and consistent therewith, optimize the use of the Town Common and its facilities in a manner conducive to the rights of all users.

**Section 2.** Any proposed regulations for the use of the Common shall first be read at a regularly scheduled meeting of the Board of Selectmen and may subsequently be voted on for adoption at a meeting of the Board not less than 2 weeks or more than 4 weeks following the initial reading.

**Section 3.** Any violation of the regulation or regulations promulgated hereto by the Board of Selectmen shall be punished according to the following schedule of penalties:

First offense: \$25.00

Second offense: \$50.00

Third offense: \$100.00

Fourth and subsequent offenses: \$300.00

**Section 4.** Any violation of the regulations promulgated pursuant to this by-law may be enforced by any Norwood Police Officer or by the Non-Criminal Disposition Procedures set forth in Article XXIV of these By-Laws or by complaint in the District Court. (Special Town Meeting, October 30, 1995, Article 19.)

**ARTICLE XXXVIII**  
**Licensure Fees for Common Victualers and Innholders**

The annual fee for issuance or renewal of a license as a common victualer or innholder shall be one hundred dollars (\$100.00).

(Special Town Meeting, October 26, 1998, Article 1.)

(Special Town Meeting, May 11, 2009, Article 11.)



## **ARTICLE XXXIX**

### **Department of Human Resources**

**ESTABLISHMENT:** There is hereby established a Department of Human Resources. Said department shall be under the direction of a Human Resources Director and Personnel Board as authorized herein.

The Human Resources Department shall serve all units of the general government of the town, and upon specific request of the School Committee, the School Department. The purpose of the Human Resources Department is to consolidate and improve personnel services, to ensure equitable administration of the Town's policies, and to better meet the requirements of State and Federal laws governing employment matters.

The appointing authority of every general governmental unit of the town, however elected, appointed, or constituted, and empowered to employ persons to perform a service for the municipality shall utilize the services of the Human Resources Director and Human Resources Department, consistent with the provisions herein provided.

Nothing in this by-law is intended to conflict, derogate or otherwise interfere with applicable collective bargaining contracts between the Town of Norwood and its employees, or the duties and powers of appointing authorities with respect to Civil Service and Non-Civil Service hiring procedures.

#### **ORGANIZATION: Human Resources Director**

**Appointment:** The General Manager and the Personnel Board shall jointly set forth the official job description including minimum qualifications of the Human Resources Director. The Personnel Board shall determine the proper placement of the position within the town's classification and compensation plan. The General Manager shall appoint the Human Resources Director from a list of up to five applicants recommended by the Personnel Board. Any person so appointed to the position of Human Resources Director shall be qualified by reason of previous experience and/or education in personnel administration.

**General Responsibilities:** The Human Resources Director shall manage the daily operations of the Human Resource Department, and the day to day personnel practices of the town under the general supervision of the General Manager consistent with applicable federal and state law, this by-law, policies promulgated as provided herein, and with applicable collective bargaining agreements.

The Human Resources Director may serve as a member of collective bargaining contract negotiating teams for the town, and at the request of any negotiating team, shall compile relevant data and statistical information.

The Human Resources Director shall administer the town's classification and compensation plans in accordance with this By-law and regulations promulgated as provided herein. The Human Resources Director shall provide the Personnel Board with administrative support relative to the administration of the Town's classification and compensation plans, including reclassification of existing positions, assisting in causing classification and compensation survey studies to be performed.

#### **Duties and Responsibilities of the Human Resources Department:**

**Recruiting of Employees Based on Merit:** Generally works to assure fair treatment of all applicants, and the hiring of qualified employees based on the principles of merit.

**Employees Orientation and Communication:** Conducts orientation of all newly hired employees to review the town's personnel policies. Communicates personnel policies to covered employees as required.

**Central Record Keeping:** Maintains personnel records and data for all town employees, including maintaining a central file system.

**Benefits Administration:** Administers employee insurance programs including health, life, disability and other employee benefit programs. Nothing herein shall be constituted to diminish the powers and statutory responsibilities of the Norwood Retirement Board.

**Workers Compensation and Injured on Duty:** Assists in the administration of workers compensation program and injured on duty leaves.

**Personnel Policies:** Works to insure consistent interpretation and application of Town policies.

**Compliance with Federal & State Laws:** Develops standards and procedures to ensure the Town's compliance with all state and federal laws pertaining to employment.

**Civil Service:** Assists in ensuring the town is in compliance with the requirements of Chapter 31 of the General Laws of the Commonwealth of Massachusetts.

**Other Duties:** As promulgated and assigned in accordance with the provisions of this by-law.

**Personnel Board:** There is hereby established a Personnel Board consisting of five members appointed by the Town Moderator, Chairman of the Board of Selectmen and the Chairman of the Finance, herein after referred to as the Appointing Authority. The initial appointments thereto shall be one for a one year term, two for a two year term, and two for a three year term. Thereafter each term shall be for a period of three years. Any vacancy shall be filled in the same manner for the remainder of the term. During their term of office they shall be residents of the town and shall hold no other elected or appointed position other than town meeting representative.

The Appointing Authority, shall make every effort to ensure that a minimum of three of the members of the Personnel Board are qualified for such appointment by virtue of relevant and significant experience or training in personnel administration, or labor, or employment law.

**Responsibilities:** The Personnel Board shall work with the Human Resources Director to develop various personnel policies. Before any policies are adopted or amended the Personnel Board shall hold a hearing on same, such hearing shall be publicly advertised at least two weeks prior to said hearing. Every person or board, however elected, appointed, or constituted, and empowered to employ persons to perform a service for the town shall be given written notice of each such hearing.

The personnel policy or policies shall encompass current human resources practices, provide for fair and equitable treatment of all employees, and include the municipality's sexual harassment policy, and the classification and compensation plans, along with a method to cause the plans to be continuously reviewed and updated using a consistent, accepted method of evaluating job positions.

Nothing in said policy shall infringe upon a department head's, or appointing authority's ability to supervise and discipline employees subject to an appropriate appeal process to the appropriate appointing authority.

**Other Duties:** The Personnel Board shall perform such other functions or duties as may be provided in the town by-laws, in a collective bargaining agreement, or assigned by town meeting.

**Classification and Compensation Plans:** All employees in the employment of the town shall be covered by a classification and compensation plan as provided by this by-law with the exception of Elected Officials.

An employee or group of employees may make a request for a reclassification in writing upon forms provided by the Human Resources Department. The Personnel Board shall cause a review, subject always to applicable bargaining obligations, to be made of each request. The Personnel Board shall make the final decision based on such review and communicate the determination regarding the request in writing to the party submitting the request. Decisions of the Personnel Board are final, subject however to funding by Town Meeting. No employee may make a request for reclassification of the same position in consecutive fiscal years.

(Special Town Meeting, May 13, 2002, Article 11)

**ARTICLE XXXX**  
**SEX OFFENDER RESIDENCY BYLAW**

**SECTION 1. DEFINITIONS**

1. "Park" means public land owned or controlled by a unit of local government, and located within the Town of Norwood, that is designated by the unit of local government for use solely or primarily for children's recreation and Town of Norwood recreational areas including but not limited to, a forest preserve, jogging trail, hiking trail, water park, swimming pool, soccer field or baseball field under the jurisdiction of a unit of local government.
2. "Town Library" means the structure in which the Morrill Memorial Library is located.
3. "School" means any public or private educational facility that provides services to children in grades kindergarten – 12, or any one or more of such grades.
4. "Day Care Center" means an establishment, whether public or private, which provides care for children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts by the Department of Early Education and Care or its successor.
5. "Elderly Housing Facility" means a building or buildings on the same lot containing four or more dwelling units restricted to occupancy by households having one (1) or more members fifty-five (55) years of age or older.
6. "Place of Worship" means a structure used for religious worship or religious education purposes on land owned by, rented by, or held in trust for the use of any religious organization.
7. "Loiter" means remaining in or around town park property for more than fifteen (15) minutes.
8. "Sex Offender" means a person who resides, works or attends an institution of higher learning in the Commonwealth and who has been convicted of a sex offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense or a person released from incarceration or parole or probation supervision or custody with the Department of Youth Services for such a conviction or adjudication or a person who has been adjudicated a sexually dangerous person under M.G.L. c. 123A §14, as in force at the time of adjudication, or a person released from civil commitment pursuant to section 9 of said c. 123A, whichever last occurs, on or after August 1, 1981.

9. "Sex Offender Registry" means the collected information and data that is received by the Criminal History Systems Board pursuant to Massachusetts General Laws Chapter 6, Sections 178C to 178P, inclusive, as such information and data is modified or amended by the Sex Offender Registry Board or a Court of competent jurisdiction pursuant to said Sections 178C to 178P, inclusive.
10. "Permanent Residence" means a place where a person lives, abides, lodges, or resides for five (5) or more consecutive days or fourteen (14) or more days in the aggregate during any calendar year.
11. "Temporary Residence" means a place where a person lives, abides, lodges, or resides for a period of less than five (5) consecutive days or fourteen (14) days in the aggregate during any calendar year, which is not the person's permanent address or place where the person routinely lives, abides, lodges, or resides and which is not the person's permanent residence.
12. "Establishing a Residence" means to set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location, and may be mobile or transitory, or by means of purchasing real property or entering into a lease or rental agreement for real property (including a renewal or extension of a prior agreement whether through written execution or automatic renewal).
13. "Sex Offense Involving a Child" means an indecent assault and battery on a child under the age of 14 under section 13B of Massachusetts General Laws Chapter 265; rape of a child under the age of 16 with force under section 22A of said Chapter 265; rape and abuse of a child under section 23 of said Chapter 265; assault of a child with intent to commit rape under section 24B of said Chapter 265; kidnapping of a child under the age of 16 under section 26 of said Chapter 265; enticing a child under the age of 16 for purposes of committing a crime under section 26C of said Chapter 265; inducing a minor into prostitution under section 4A of Massachusetts General Laws Chapter 272; living off or sharing earnings of a minor prostitute under section 4B of said Chapter 272; disseminating to a minor matter harmful to a minor under section 28 of said Chapter 272; posing or exhibiting a child in a state of nudity under section 29A of said Chapter 272; dissemination of visual material of a child in a statue of nudity or sexual conduct under section 29B of said Chapter 272; unnatural and lascivious acts with a child under the age of 16 under section 35A of said Chapter 272; aggravated rape under section 39 of Massachusetts General Laws Chapter 277; and any attempt to commit a violation of any of the aforementioned sections pursuant to section 6 of Massachusetts General Laws Chapter 274 or a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority.



## **SECTION 2. SEX OFFENDER RESIDENCE PROHIBITION; PENALTIES; EXCEPTIONS**

1. It is unlawful for any sex offender, so long as finally classified as a level 2 or 3 sex offender, pursuant to the guidelines of the Sex Offender Registry Board, to establish a permanent residence within five hundred (500) feet of any school, town library, day care center, park, elderly housing facility or place of worship.
2. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence to the nearest outer property line of a school, town library, day care center, park, elderly housing facility or place of worship.
3. Notice to move. Any sex offender, so long as finally classified as a level 2 or level 3 sex offender, who establishes a permanent residence within five hundred (500) feet of any school, town library, day care center, park, elderly housing facility or place of worship shall be in violation of this section and shall, within thirty (30) days of receipt of written notice of the sex offender's noncompliance with this bylaw, move from said location to a new location, but said location may not be within five hundred (500) feet of any school, town library, day care center, park, elderly housing facility or place of worship. It shall constitute a separate violation for each day beyond the thirty (30) days the sex offender continues to reside within five hundred (500) feet of any school, town library, day care center, park, elderly housing facility or place of worship. Furthermore there shall be a separate violation each day that a sex offender shall move from one location in the Town of Norwood to another that is within five hundred (500) feet of any school, town library, day care center, park, elderly housing facility or place of worship.
4. Penalties. Violation of this bylaw, or of any regulations adopted hereunder by the Board of Selectmen, may be enforced through any lawful means in law or in equity by the Board of Selectmen, Town Manager, or their duly authorized agents, or any police officer of the Town of Norwood including, but not limited to, enforcement by non-criminal disposition pursuant to M.G.L. c. 40, § 21D. Each day a violation exists shall constitute a separate violation. The penalties shall be as follows:
  - a. First Offense: Notification to offender that he/she has thirty (30) days to move.
  - b. Subsequent Offense: Non-criminal fine of \$300.00, enforceable by a police officer, and notification to the offender's landlord, parole officer and/or probation officer and the Commonwealth's Sex Offender Registry Board that the person has violated a municipal ordinance.
5. Exceptions. A person residing within five hundred (500) feet of any school, town library, day care center, park, elderly housing facility or place of worship does not commit a violation of this section if any of the following apply:



- a. The person established the permanent residence and reported and registered the residence pursuant to M.G.L. c.6, §§ 178C to 178P, inclusive, prior to the effective date of this bylaw. This exception shall also apply to the renewal or extension of a lease or rental agreement for real property in existence prior to the effective date of this bylaw, whether through written execution or automatic renewal, notwithstanding said renewal or extension occurring subsequent to the effective date of this bylaw.
- b. The person was a minor when he/she committed the offense and was not convicted as an adult.
- c. The person is a minor.
- d. The school, town library, day care center, park, elderly housing facility or place of worship within five hundred (500) feet of the permanent residence was established after the person established the permanent residence and reported and registered the residence pursuant to the Sex Offender Registry Act, M.G.L. c. 6, §§ 178C to 178P.
- e. The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility within the Town of Norwood.
- f. The person is admitted to and/or subject to an order of commitment at a public or private facility for the care and treatment of mentally ill persons pursuant to M.G.L. c. 123 within the Town of Norwood.
- g. The person is a mentally ill person subject to guardianship pursuant to M.G.L. c. 201, § 6 or a mentally retarded person subject to guardianship pursuant to M.G.L. c. 201, § 6A, residing with his or her guardian or residing within a group residence that is professionally staffed and supervised twenty-four (24) hours a day within the Town of Norwood.

### **SECTION 3. PROHIBITION**

- 1. It shall be unlawful for a sex offender who has been convicted of a sex offense involving a child to knowingly be present in any Town park, provided that this subsection shall only apply to those sex offenders who have undergone an individualized risk assessment and have been finally classified by the Commonwealth's Sex Offender Registry Board.
- 2. It shall be unlawful for a sex offender who has been convicted of a sex offense involving a child to loiter within three hundred (300) feet of a Town park, provided that this subsection shall only apply to those sex offenders who have undergone an individualized risk assessment and have been finally classified by the Commonwealth's Sex Offender Registry Board.

3. **Enforcement.** If a police officer has a reasonable suspicion that a sex offender who has been convicted of a sex offense involving a child is in a Town park or loitering within three hundred (300) feet of a Town park, in violation of this bylaw, the officer shall require said sex offender to provide his/her name, address, and telephone number. If it is established that the individual is a sex offender who has been convicted of a sex offense involving a child, then the officer shall notify said sex offender that he/she is in violation of this bylaw.
4. **Non-Criminal Fine.** In addition to enforcement by criminal complaint, a violation of this section may also be enforced by a police officer by non-criminal complaint pursuant to the provisions of M.G.L. c. 40 section 21D. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for violation of this section shall be \$300.00. In addition, a violation of this section may be enforced through any other lawful means in law or in equity by the Board of Selectmen, Town Manager, or their duly authorized agents, or any police officer of the Town of Norwood.

If any provision of this bylaw is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall remain in full force and effect. If any provision of this bylaw is in conflict with state law, state law will prevail.

(Special Town Meeting, May 10, 2010, Article 29)